NATIONAL MUNICIPAL REVIEW

VOL. XV, No. 11 NOVEMBER, 1926 TOTAL No. 125

EDITORIAL COMMENT

Ten Years of P. R. in Ashtabula

Ashtabula's ten years' experience with proportional representation is reviewed in this issue by Prof. Raymond Moley and Charles A. Bloomfield. Their method has been to submit certain claims of advocates and opponents of P. R. to objective analysis through the use of statistical material where statistics are available. Whether or not the readers will agree with the conclusions drawn from the facts will depend upon the individual. It cannot be denied, however, that the method is one to be commended. As our experience with P. R. increases it is of the utmost importance that all available data, which will help appraise the results, be carefully preserved and in due time scientifically assembled and appraised.

The authors of the present article find that interest in elections has not been materially affected by the Hare System; that there has been a measurable improvement in the quality of councilmen, although it is not conclusive that this is due to P. R.; that tenure of office has been practically the same under the old and the new systems; and that the individual voter's influence has been increased, due to the increased proportion of effective ballots.

Religion has figured more in elections in Ashtabula since the adoption of the Hare plan, particularly in 1917 and 1923, and the authors seem to incline to the opinion that P. R. is responsible. Religious prejudice is difficult to measure quantitatively, but in the face of what has been taking place throughout the United States since the war (and in Ohio and a few other states particularly), it seems impossible to attribute to P. R. in Ashtabula any intensification of religious quarrels.

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Should the Five-Cent Fare Be Retained?

Of interest to New York City and elsewhere is the question whether the five-cent fare is not so deeply imbedded in municipal policy as to warrant its retention, notwithstanding higher cost of service and the inability to make ends meet from operating receipts. If the five-cent fare is preserved, provision must be made to meet the deficiency in passenger receipts through taxation or special assessments. Obviously the riders, as such, are not the only group in a city which benefit from adequate transportation. To be sure, they depend on transportation directly, but do other groups depend upon it any less definitely: stores, manufacturing plants, office buildings, real estate developments?

There is good reason why these other interests besides the riders should

contribute to the cost of service. Indeed, in many cities future adequate transportation will probably depend upon a split-cost system. Sole reliance upon the riders will in many instances probably result in break-down of transportation.

These are questions for local governments to consider. They cannot be avoided, and they are not solved by rigid legislation or even constitutional amendment. They require constant study and frequent reconsideration. Mistakes will be made, and political deals effected. Nevertheless, no city can afford to adopt an ostrich policy of pushing its head in a hole and refusing to see the facts which must be faced boldly, with head up, clear eyes and intelligence.

J. B.

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Courts Block San Francisco's Effort to Apply Hydro-Electric Earnings to Extensions

The supreme court of California in Uhl v. Badavacco, 248 Pac. 917, decided August 27, holds that San Francisco's one hundred million dollar project of supplying the city with water from Hetch Hetchy, authorized by the federal Raker act, is primarily a single public utility, and that the earnings of the great hydro-electric plant already in operation must be applied to the payment of the interest and sinking fund requirements and cannot be allocated to a separate fund to cover the cost of extending power lines to the city and erecting a distributing system. As the charter provides that the city can acquire a public utility only by funds raised by taxation or from the sale of bonds voted and issued therefor, the attempt thus indirectly to create a separate public utility is unauthorized. The provision in the charter that the supervisors *may* make appropriations from the surplus earnings to take care of the interest and sinking fund requirements is construed as *shall* under the elementary principle of statutory construction that permissive words are to be considered as mandatory when the interest of the public is involved. The funds already expended were authorized for supplying the city with water, and the expenditure of a large part of the proceeds of the bonds in installing a hydro-electric plant is a remarkable example of the extension of the doctrine of implied or incidental powers. Although this question was not directly involved, the court intimates its doubt that such a use of the funds was justifiable, although under modern conditions it was doubtless based on a sound business policy.

The effect of this decision will be to require San Francisco to raise by a bond issue the twenty-four million dollars still needed to deliver the water to the boundaries of the city and the forty million more to acquire or construct a distributing system, to make the water available to its inhabitants. As some thirty-eight million dollars in bonds for this project are still outstanding, the financial practicability of erecting power lines by the city and distributing the electric power directly may well be questioned.

C. W. T.

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Expenditures in 1926 Primaries

A report of primary costs in twenty-eight states published by the New York *Times* shows small expenditures in all states holding primaries since the senate committee investigation of conditions in Pennsylvania and Illinois. The *Times* implied that the lowness of expenditure in twenty-six of the states listed is due to the exposures of the Reed committee, but proof is lacking because no data for expenses of primaries in other years

in the same states are furnished. It should be added that eight states should not have had a place in the report, since in some the filing of expenses is not required and in others expenses had not yet been registered.

The catalog of primary costs in the remaining sixteen states is interesting, though furnishing too slight evidence for conclusions of any kind.

In Ohio, Meyer Y. Cooper, Republican nominee for governor, spent $40,000 (the greatest personal expenditure since the Pennsylvania and Illinois primaries). Atlee Pomerene, Democratic nominee for senator, spent nothing, and his friends only several hundred dollars in his behalf. Both Cooper and Pomerene, although representing extremes in the matter of expenditures, won nomination. Of the sixteen states, Ohio turned out the lightest primary vote, only 20 per cent of its voters taking the trouble to cast a ballot.

Very heated contests took place in Wisconsin and Iowa, yet $13,000 covered the personal costs of the senatorial primaries in Iowa. Smith W. Brookheart, successful Republican candidate, spent only $1479, one of his adversaries $4899, and the three others $5419 together, while the three contending Democrats all spent a total of $1125. In Wisconsin, where the radical and conservative wings of the Republican parties carried on a stiff contest for the senatorial nomination, Irvine L. Lenroot spent $14,847 and Governor J. J. Blaine, successful candidate of the La Follette group, $7436. Although in both Iowa and Wisconsin the contests were hot, only 50 per cent of the voters turned out at the polls.

It thus appears that a spirited fight may not occasion great primary expenditure nor indeed a heavy primary vote. In Texas, however, the active campaign involving "Ma" Ferguson consumed $11,000 of expense money and brought a record-breaking crowd to the polls.

After Pennsylvania and Illinois, Oregon had the greatest total primary expenditure, $65,567, partly accounted for by the number of contestants, five regular Republicans, one wet Republican, one Farmer Union Republican, and two Democrats. Only 55 per cent of the eligibles in Oregon voted.

North Carolina filed the lowest total amount spent for the nomination of senator, namely $2712. There were only two contestants and the vote was light.

After Texas, the greatest interest was shown in Alabama, where 65 per cent of the voters came out to select a candidate for the post left vacant by Senator Underwood. There were five contestants and of these Hugo Black, successful candidate, spent less than three other contenders and all were well within the $10,000 limit.

In the sixteen primaries considered, success and heaviest expenditure of personal or campaign funds did not go hand in hand. Heated contests were conducted without excessive expenditures by any contestants, and record votes did not follow dollars spent. On the whole the primary was shown to be working without too great financial cost on the part of candidates. Huge sums did not bring victory and many men with modest financial support won nomination.

G. R. H.

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Are Our Public Schools Spendthrifts?

We doubt if the average man appreciates how much cities are spending for free public education. Often the tax rate for schools equals or exceeds that for all other municipal purposes. In cities of over 30,000 population, the census bureau

reports, expenditures for schools amount to about 40 per cent of the total operating expenses of all the general municipal departments put together. Ten years ago the schools' share was only 30 per cent. What will it be in ten or twenty years hence?

Are we spending too much for public education? Is what we do spend used wisely? Has our zeal for the welfare of the child blinded us to the need for the same practice of efficiency and economy in school matters such as we are more and more coming to demand in city government?

To some, indeed, it may seem almost iniquitous to question the operation of our public school system. On occasion, taxpayers have been told, almost in so many words, that their highest function is to vote supplies as professional educators dictate. Members of school boards will sometimes frankly admit that our schools are run extravagantly and wastefully, but none seem brave enough to protest publicity against further and greater expenditures.

We believe that the time has come for a re-examination of the quantity and quality of education offered without charge by our cities. We doubt whether it be a city's duty to extend a free college education to any who wish it. We doubt if it be the city's business to train lawyers, physicians, and engineers gratis. True, the subject requires the most careful thought and the gravest study, but others beside the professionally organized school teachers must share in such thought and study.

We, therefore, recommend to good citizens a reconsideration of our public education system. What is it offering the young people? Is it adapted to their needs? Is it running wild financially?

With respect to financial operation it would seem that some lessons may be learned from recent progress in the science of public administration. From the standpoint of business management, at least, signs are not wanting in many places of wastes and leakages in our public school system. We have been told on good authority that in Boston it costs 40 per cent more to build a public schoolhouse of a standard type and quality than to build a parochial school. Not long ago Duluth built a high school at a cost of $1000 per pupil served; a little later, after a public protest lead by the Duluth Taxpayers' League, a second high school equally as serviceable was built for $500 per pupil.

And now comes a report by the Boston Finance Commission on schoolhouse construction in that city. They find that although the school committee has paid lip service to the 6-3-3 principle (six years of grammar school, three years of junior high and three of high school), no real standardization has been carried out. It has therefore been impossible to standardize the educational facilities which the school buildings are to supply. No unit costs have been established and no studies of economical types of buildings have been made. Architects, left to their own devices, have produced expensive schools, unfitted for the service they are to render. The methods of arranging for construction are found to be haphazard and piecemeal, and the school committee has labored without attention to the future growth of school population, with resulting misfit buildings.

Few city governments to-day can display a more discouraging record of incompetency than this. Is it not time that the American people, justly proud of their mammoth school system, take care that it fall not under the blight of wasteful or slovenly management?

NEW YORK CITY'S NEW ASSESSED VALUATIONS

BY WILLIAM TURN

New York City's assessed valuations now equal the 1922 taxable valuation of real estate in the entire western half of the United States excluding Kansas and Nebraska. :: :: :: :: :: :: :: :: :: ::

THOUGH the streets of New York are not paved with gold nor its buildings diademed with precious stones, the newly announced tentative assessments for the year 1927 mount up to the staggering figure of nineteen billion dollars. Of this total, four billions are tax exempt real estate, and one billion is personal property, so that the real estate assessments come to $14,655,899,795. This is equivalent to the 1922 taxable valuation of real estate in the entire western half of the United States, omitting only Kansas and Nebraska.

As compared with 1926, the new figures show an increase of $1,643,822,903 or 12.6 per cent. This increase alone is as great as the total valuation of Los Angeles, St. Louis, Baltimore, or Pittsburg. But even so, it is not as large an increase as has been made in other years. The new evaluation will probably shrink some as a result of assessment appeals. Last year the tentative increase was two billion dollars, of which well over half a billion was lost. When the real estate books are finally totalled up, it may be predicted confidently that the figure will not be far from fourteen and one third billion dollars.

Under the tax system of New York State very little personal property is subject to taxation. There are no taxes on money or intangible wealth as these are reached through the personal and corporate income taxes. Automobiles are not taxed as property; they are reached under the license tax. Each taxpayer is allowed, by law, a personal property exemption of one thousand dollars, and by practice very much more than this. And finally, all debts may be deducted from personal property assessments. It is this provision which almost nullifies the work of the personal property assessors. For example, last year the assessors, after diligent study of the social register and the general directory, listed $959,994,950 of personal property for taxation only to have seven hundred million dollars of this "sworn off" as exempt chiefly by reason of debt deductions. This year the assessors have listed $1,031,091,975, and it is a safe guess that only $275,000,000 will be there "when the roll is called up yonder" in March, 1927. There are 83,000 names on the personal property tax roll.

ASSESSED VALUES STILL BEHIND ACTUAL VALUES

Even with the increased assessments, the real estate valuations will still be well behind actual values. Though this has been disputed by real estate authorities, sale prices in Manhattan, compared with assessed values, involving $45,000,000 in 550 separate transactions, show that the old tax

roll represented only about 72 per cent of full value. In the other boroughs, where values are increasing faster because of the newer developments, the under assessment is undoubtedly greater.

It may be of interest to note that the highest valued building is the Equitable Building, which is put at $31,000,000. The American Telephone and Telegraph Building comes next with $18,000,000. The Woolworth Building is assessed at $11,250,000. The highest valued hotel is the Commodore at $14,000,000. Comparatively few increases have been made among the office buildings. The largest increases for individual buildings are among the hotels. The personal property assessments read like the social register. As in the past, John D. Rockefeller heads the list with $1,100,000. There are very few under five thousand dollars.

For 1927, the total tax roll for the levy of city taxes will be between fourteen and a half, and fourteen and two-thirds billions of dollars. This will give the administration a ten per cent larger tax base than last year, and an opportunity to raise the budget some $35,000,000, without lifting the tax rate. The new budget is now in its first stages, and the comptroller and various citizen groups are demanding drastic budget cuts, so that there is a fair prospect that the rate for 1927 will be lower than in 1926, in spite of the fact that New York City's tax rate has a habit of going up when the next election is so far away and nothing is at stake.

A NEW GOVERNMENT FOR AN OLD PEOPLE

BY JOHN J. HORGAN
Cork, Ireland

The Irish Constitution contains features novel to Americans. Some modifications may be necessary in the light of experience, but on the whole the new institutions are working well. :: :: :: ::

THE constitution of the Irish Free State, the latest Dominion of the British Commonwealth of Nations, is unlike those of any of its sister nations. It is the result of a distinct and separate conception. The causes of this difference fall broadly under two heads. The first is that Ireland is an ancient nation and a mother country in her own right. She has peopled the earth with her children. The other Dominions were originally only colonies, offshoots from the main English stock from which they naturally derived their habits of thought and life. Ireland was a nation before Canada or Australia were yet discovered and in the eighth and ninth centuries when Europe fell into decay after the barbarian inroads it was Irish missionaries who brought light and leading to the stricken continent. It was they indeed who first brought Christianity to England. These facts live in the consciousness of the Irish nation to-day and cannot be dismissed by anyone who desires to understand its present or future problems.

The second cause of difference is that the constitutions of the other Dominions are no longer based on realities. They were granted to children who

have since grown to maturity and who now ignore many of the expressed or implied restrictions they contain. The colonies have become sister nations, and are very jealous of their nationhood. All that this growth implies is to be found clearly and fully expressed in the constitution of the Irish Free State which is based on the treaty concluded between the representatives of Ireland and England on December 6, 1921, at the close of the Anglo-Irish conflict. This treaty in its first clause sets out that "Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace, order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State." It goes on to provide that the "law, practice and constitutional usage" of Canada shall govern the relations of the Irish Free State with the Imperial Parliament and Government, and it is well to emphasize the fact that this constitutional usage implies not the old trunk of the Canadian constitution but the living tree of nationhood which has been grafted thereon and grown with "freedom slowly broadening down from precedent to precedent." It will therefore be realized that the freedom and virtual independence of the Irish Free State is guaranteed by the other Dominions, for any attempt made to diminish its liberties would touch them equally.

It may well be doubted if an Irish Republic would be so well secured and guaranteed against any hostile attack on its liberties.

Unlike the constitution of Canada the constitution of the Irish Free State is "broad based upon the people's will." "All powers of government," it says in article 2, "and all authority legislative, executive, and judicial in Ireland, are derived from the people of Ireland and the same shall be exercised in the Irish Free State through the organizations established by or under, and in accord with, this Constitution."

THE LEGISLATURE

The legislature, known as the Oireachtas, consists of the King and two houses, namely the Chamber of Deputies (or Dail Eireann) and the Senate (or Seanád Eireann), in which legislature resides the sole and exclusive power of making laws for the peace, order and good government of the country. The number of members in the Dail shall not be fixed at less than one member for each 30,000 of the population, or at more than one member for each 20,000 of the population. The present number of members is 153. They are elected by a system of proportional representation, every citizen over 21 years without distinction of sex being entitled to vote.

The senate which consists of 60 members is elected by the whole country, voting as one constituency under proportional representation, from a panel selected by the Dail and senate, and composed of citizens who have done honor to the nation by reason of useful public service or who because of special qualifications or attainments, represent important aspects of the nation's life. Only citizens over thirty years of age can vote in the senate election or are eligible for election thereto. No person can be a member of both houses at the same time. Members of both houses must take the following oath, concerning which so much controversy has taken place:

I ——— do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established, and that I will be faithful to His Majesty King George V his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

Members of both houses and the reports of their proceedings are privileged. Both houses elect their own chairman and deputy chairman and make their own rules and standing orders. Their members are paid $1800 a year and free first-class travelling expenses to and from their constituencies. The legislature must hold at least one session in each year and it is summoned and dissolved by the governor general in the name of the king. Its sittings are public unless in case of special emergency when either house may hold a private sitting with the assent of two-thirds of its members.

A general election for the Dail must be held on the same day throughout the country and it can only be dissolved on the advice of the executive council or cabinet. Vacancies in the Dail are filled by public election and in the senate by a vote of the senate itself. The Dail must dissolve every four years. One-fourth of the senate retires every three years and the term of office is twelve years. The co-opted members of the senate have to seek re-election at the next election after their co-option. The senate has power to amend every bill save a money bill and, if its amendments are not accepted by the Dail, can delay the bills enactment for a period of 270 days after it has been first sent to it for consideration. A bill may be initiated in the senate and sent to the Dail. All bills must after they have passed both houses receive the king's assent from the governor general, but this in accordance with Canadian precedent is a mere formality. The Oireachtas or legislature has power to create subordinate legislatures or vocational councils representing branches of the social and economic life of the nation, but this power has so far not been exercised and probably never will be. Provision is made for submitting legislation to a national referendum on the demand of three-fifths of the senate or one-twentieth of the registered voters, and also for the initiation by the people of proposals for laws or constitutional amendments.

AMENDMENTS

The Irish Free State save in case of actual invasion cannot be committed to active participation in any war without the assent of the Oireachtas. Amendments of the constitution may be made by ordinary legislation during the first eight years after the enactment thereof but after that time they must be submitted to a referendum and receive a majority of the voters on the register or two-thirds of the votes recorded. A government committee has recently been sitting to consider what alterations in the constitution are desirable, as owing to the time limit mentioned legislation must be introduced in the near future to deal with this matter.

THE EXECUTIVE COUNCIL

The executive council or cabinet consists of not more than seven nor less than five members of Dail Eireann, and must include the president and vice president of the council and the minister for finance. The president of the executive council is appointed on the nomination of Dail Eireann and is in practice the leader of the government party. He nominates the vice president and the other members of the council and holds a position analogous to that of prime minister in Canada. He and the council must retire from

office when they cease to retain the support of a majority in Dail Eireann. The Dail cannot however be dissolved on the advice of an executive council which has ceased to retain the support of a majority in Dail Eireann. Such a situation as has recently arisen in Canada could not therefore arise in the Irish Free State.

The executive council is collectively responsible for all matters concerning the departments of state administered by its members and must prepare estimates of the receipts and expenditure of the Irish Free State for each financial year for presentation to Dail Eireann. Dail Eireann nominates certain ministers who are not members of the executive council on the recommendation of a committee representing all parties. These ministers are called external ministers and hold office for the full term of the Dail, whether the executive council resigns or not, and they are individually responsible to the Dail alone for the administration of their departments. It cannot be said that this arrangement has so far proved of any advantage in practice, and it is difficult to understand why in a country whose principal industry is agriculture the minister for agriculture is not a member of the executive council. Every minister has the right to attend and address the senate. A member of the Dail who becomes a minister need not resign his seat or submit himself for re-election.

The present executive council consists of seven members: the president of the council, Mr. William Cosgrave; the vice president, Mr. Kevin O'Higgins, who is also minister for justice; the minister for finance, Mr. E. Blythe; the minister for Industry and Commerce, Mr. McGilligan; the minister for education, Professor O'Sullivan; the minister for external affairs, Mr. Desmond Fitzgerald and the minister for defence, Mr. P. Hughes.

The external ministers are four in number namely: the minister for posts and telegraphs, Mr. Walsh; the minister for fisheries, Mr. Lynch; the minister for lands and agriculture, Mr. Hogan, and the minister for local government and public health, Mr. Burke.

All the ministers receive special remuneration. Dail Eireann appoints the comptroller and auditor general who controls all disbursements and audits all accounts of moneys administered by or under the authority of the legislature, reporting to the Dail with reference to same. He can only be removed for stated misbehaviour or incapacity on resolutions passed by both Dail and senate.

THE COURTS

The judicial powers of the Free State are exercised by a supreme court, which is the court of final appeal and courts of first instance which include the high court, the circuit court and the district court. The two latter courts are courts of limited and local jurisdiction. The decisions of the supreme court are final, but the constitution expressly provides that nothing shall impair the right of any person to petition the king for special leave to appeal from the supreme court to the Imperial Privy Council sitting in London. This last mentioned right has already been the occasion of controversy, as the Free State government apparently contends that appeals to the Privy Council should only be allowed in cases raising questions of grave constitutional importance arising out of the treaty with England. Recently the Imperial Privy Council admitted an appeal in the comparatively unimportant case of Lynam v. Butler. This case raised an issue concerning the Irish land law which is a purely domestic code. The Free State government took the most effective

step to stop such procedure by passing an act which settled the disputed point in accordance with the decision of the Irish supreme court which was appealed against. For the government to have taken any other course would have been to permit an erosion of the Irish constitution which would probably have been extended in the future with disastrous results.

The judges are appointed by the governor general on the advice of the executive council and are independent in the exercise of their functions. They can only be removed from office for stated misbehaviour or incapacity and then only by resolutions passed by the Dail and senate. The judicial power of the high court extends to the question of the validity of any law having regard to the provisions of the constitution. The rights of all citizens to liberty of the person, proper legal trial, and freedom of conscience and religious practice, are duly guaranteed.

The Irish and English languages are equally recognized as official languages. No title of honour can be conferred on any citizen except with the approval of the executive council.

HAS WORKED WELL

It may be stated that the constitution of the Irish Free State has in general worked well. Certain details have of course obtained and deserved criticism. The system of election by proportional representation has encouraged group representation, and if it leads to weak coalition governments, which it has not yet done, it may require amendment. It undoubtedly saved the country in 1922 by enabling public opinion to assert itself and smash the ridiculous, dishonest, and unworkable pact entered into between the Republican and Treaty parties, who for their own ends, owing to incompetent leadership, proposed to turn the general election into a sham battle which would have decided nothing and left the country in a worse position than it was before.

The recent senate election has proved that, whilst it is technically possible to hold an election under this system with the whole country as one constituency, the type of candidate nominated and elected does not correspond with the requirements of the constitution, and it would seem that if the senate is to be composed of "citizens who have done honor to the nation by useful public service" then it will be necessary to devise some new method of election. In a small country like Ireland it is extremely difficult to secure many candidates for high public office who possess the intelligence, experience and independence to discharge adequately the duties imposed on them, and even more difficult to establish their reputations outside their own locality. My own view is that the senate should be elected by the public bodies and institutions which represent the various economic and cultural ramifications of the nation's life such as the universities, the trade unions, the chambers of commerce, and professional councils. The senate should also be given an adequate power of veto which it does not possess at present and should at least be able to refer a bill to a joint sitting of the two houses of the legislature a majority of which body should be decisive on any question of amendment or rejection.

No use has so far been made of the provisions concerning the referendum and initiative and they may be regarded rather as possible safety valves than as working constitutional machinery. The waters of Irish politics have for so many years been polluted by personal abuse and diverted into destructive channels that public opin-

ion is little used to clear constructive thinking or action. Platitudes have too often done duty for principles and personalities for argument. This condition of things is now fortunately passing. In one specific case however the threat of a referendum brought the government to its senses and prevented it from cutting off its nose to spite its face.

These, however, are all matters which time and experience will rectify. They cannot obscure the central and important fact that the Irish Free State has made good. "A nation is on the march."

PERMANENT ELECTION REGISTRATION IN OMAHA

BY JOSEPH P. HARRIS
University of Wisconsin

Registration for election is often unduly troublesome to the voter and expensive to the government. Permanent registration tends to reduce both trouble and expense. Since 1913 Omaha has operated without fraud and at a lower cost than other cities with periodic registration.

Omaha has one of the best systems of registration found in any city in the country. It is thoroughly and efficiently administered; it is economical in operation and effective in preventing voting frauds; and it is, on the whole, convenient to the voter, though some improvement could be made along this line. Other registration systems have succeeded under favorable conditions, with the absence of strong party machines, but registration in Omaha has been a success in the face of a strong political machine which formerly resorted to all sorts of fraudulent election practices. The present election and registration law brought about clean elections after the city had been cursed with crooked elections for years.

THE ORGANIZATION

The present election law for Douglas county, in which Omaha is situated, was enacted in 1913 after crooked elections had existed in Omaha for years, and the details had been brought out in an investigation in connection with a contested seat in the state senate of that year. The bill was prepared after many conferences by some of the practical reformers and opponents of the political machine of the city. The two central features of the organization are: first, the divorcement from bipartisanship and machine domination, and second, the centralization of power and responsibility in the hands of a single man. Both features have worked exceedingly well in practice, contrary to the conventional theories on the subject which demand strictly bipartisan, board control of election administration.

At the head of the election and registration administration is a single election commissioner, appointed for a term of two years by the governor of the state. He is also ex-officio jury commissioner, and receives a combined salary of $4500 annually. In the history of the office there have been only two commissioners. The first com-

Ed. Note.—Articles by Dr. Harris on registration systems of other cities have appeared in the Review for October, 1925, April, 1926, and September, 1926.

missioner was the Honorable Harley G. Moorehead, a leading attorney of the city, and a Democrat, appointed by a Democratic governor. Mr. Moorehead was continued in office by succeeding governors, Democratic and Republican alike, from 1913 until he resigned in 1922. His successor, the Honorable William S. McHugh, Jr., was appointed by a Republican governor, but was reappointed by Democratic and Republican governors. The custom is now well established that the incumbent shall be continued in office as long as he gives the city a clean election administration, regardless of his politics, and public sentiment demands this of the governor.

The success of the system of election and registration administration is due in large measure to the vigorous administration of the first election commissioner, who used the large powers vested in the office to clean up elections. He demanded the service of the best citizens of the city on the election boards, and with compulsory powers in the law, would not accept a denial. With a fearless hand he threw out the old line political ward heelers, and brought independent, respectable citizens into the service. After the new administration was placed thoroughly on its feet, it was no longer necessary to require the service of the leading citizens, but in the early days their service was demanded and secured.

The election commissioner has always been opposed by the strong party machine, known locally as "the gang." In the early days of the office, the machine-controlled newspapers hounded the commissioner with every conceivable charge and placed him in the headlines on the first page with unfavorable publicity continually. Even now the city "boss" is loud in his denunciation of the system of a single commissioner of elections, and asserts that the only fair way to run elections is to have a bipartisan board. This attitude is only natural, since the "boss" would dictate the appointment of the representatives of both sides on such a board. Year after year the machine has attempted to secure control of the office of commissioner, but has not been able to do so, due in part to the growth of a public sentiment that the office must be kept out of politics, and in part to the pressure upon the governor from the rest of the state to use his appointing power to insure clean elections in Omaha, which has a large effect upon the result of state elections. Obviously, there is a danger that "the gang" may some time secure control of the powerful office of election commissioner, and run elections with a high hand, but the danger does not seem to be great. Even "the gang" could not force the governor to appoint a palpably bad person to the office, and the danger is not greater than it would be with a supposedly bipartisan board, actually controlled by "the gang."

The law provides that there shall be a deputy election commissioner, appointed by the commissioner, from the leading political party opposed to the one with which the commissioner is affiliated. This provides, in a way, for bipartisanship, but the deputy is at all times subject to the orders of the commissioner, and may be removed at will. For some years after the law went into effect, the deputy, who was paid $1800 annually, devoted his entire time to the duties of the office, and was merely one of the clerks of the office. The practice has now changed; the present deputy devotes only what time is required; acts as counsel to the commissioner, and assists in the supervisory work. The deputy is always personally selected by the commissioner, and works in close harmony with him.

The permanent office force consists of

only two persons, a chief clerk and a stenographer. They are both personally appointed by the commissioner, and subject to removal by him at any time. No thought is given to the party affiliation of the permanent employees. As it happens, at the present time both the chief clerk and the stenographer are members of the opposite political party from that with which the commissioner is affiliated.

Extra help is employed by the commissioner, or by the deputy or chief clerk under his instructions. No heed is paid to party affiliations, and appointments are not made from party recommendations. Applicants are interviewed, and those possessing apparently the necessary clerical qualifications are tried out. When extra help is needed employment agencies are notified and other means are taken to secure independent applications, without regard to party affiliation. The extra help is employed in much the same manner that a private firm would use to secure extra clerical help. It is not under civil service, and no examination worthy of the name is given, but the degree of clerical training and skill required is not great, and a trial of the applicant takes the place of a formal examination.

The number of persons employed as extra help runs as high as from seventy-five to a hundred persons during the rush period before a general election. The usual compensation paid is fifty cents per hour, though a few employees used as supervisors are paid sixty-five cents per hour.

PRECINCT INSPECTORS

The most important cog in the machinery of registration, aside from the commissioner, is the precinct inspectors of election. There is one inspector for each precinct who on the day of election has full charge and control of the conduct of election in his precinct. He makes the canvass of registered voters after the close of registration. The idea of centralized power and responsibility in elections is carried right down to the precinct. What the commissioner of elections is for the city, the inspector of election is for the precinct. If corrupt elections occur in any precinct the inspector is responsible.

The inspectors of election are far above the average run of election officers. As a rule, they are high-minded, respectable citizens, who accept the position in the spirit of public service at a personal sacrifice. This type of person is secured because of the following reasons: first, they are personally selected by the election commissioner, who is responsible for their conduct; second, they are selected without regard to party affiliation, and not upon the recommendation of party organization; and third, the position is one of considerable power and responsibility, which makes an appeal to desirable persons. The inspectors do not have to reside in the precinct to which they are assigned. In 1925 only 32 out of a total of 161 inspectors in the city resided in the precinct of which they had charge. By a detailed study it has been found that few inspectors are taken from the "river wards," most of them coming from the better sections of the city. The commissioner of elections may compel the service of any citizen appointed as an election officer. In the first years of the operation of the law it was necessary to use this power, but since the system has become well established, it has not been necessary to compel service.

The law contains an unworkable provision that the inspectors shall be divided between the two parties as nearly in proportion to the vote cast for each party at the preceding election as

possible, but in practice no attention, or practically none, is paid to the party affiliation of persons appointed as inspectors. By selecting the inspectors without regard to party affiliation a normal balance between the two parties is secured. In 1925 there were 96 Republicans, 78 Democrats, and 1 Prohibitionist.

The following tabulation of the occupations of the inspectors is significant:

Attorneys	34	Merchants	9	Students	3
Clerks	25	Secretaries	8	Professors	2
Salesmen	24	Farmers	8	Pastors	2
Mechanics	12	Insurance	7	Printers	2
Managers	11	Superintendents	6	Abstractors	2
Realtors	9	Bankers	5	Editors	1
		Retired	5		

Total, 175; city inspectors, 161; county inspectors, 14.

It will be noticed that practically all of the inspectors come from the "white collar" class, and many of them persons of apparently responsible positions. It is significant that attorneys lead the list, and that attorneys, clerks, and salesmen combined constitute half of the total. A detailed study of the ages of the inspectors shows also that most of them are in the prime of life. Seventy are between thirty and forty years of age, and thirty-one are between forty and fifty years of age. Only a comparatively few fall within the retired class.

The compensation paid to the inspectors is only five dollars per day. In making the canvass of registered voters they are permitted to do the work at whatever time is most convenient to themselves, and keep an account of their own time. They are not limited to a fixed amount of time, but rather are told to take whatever time is necessary, and the commissioner allows any reasonable claim. The cost of making the canvass, however, is very reasonable, indeed, indicating that the inspectors are quite moderate in their time reports.

No definite data could be secured as to the turnover of the inspectors, but it was stated that a number had served since the office was first created, and most inspectors serve for as long as four years. The commissioner puts pressure upon them to serve at least this long, though after four years it is entirely optional with the inspectors as to whether they will serve longer.

REGISTRATION RECORDS

Registration is made upon duplicate, loose-leaf forms, which contain quite complete data concerning the voter, including a personal description indicating color of hair, color of eyes, age, apparent weight, apparent height, and other means of identification, and also the signature. After the registration is taken, two additional copies are prepared on the typewriter, and four copies of the register are kept in loose-leaf form. This excessive number is required by state law, and involves an unduly large amount of clerical work to keep all the records corrected. All of the four registers are kept in the same identical form—alphabetical for each precinct. The original register never leaves the vault of the office, the duplicate of the original registration and the two typewritten copies being sent to the polls in locked binders.

There is maintained also an alphabetical card index of all the voters of the county. Upon these cards is

recorded the name, address, date of registration, age, party affiliation, ward and election district, and naturalization data. Spaces are provided for new addresses, and the index is kept corrected up to date.

There is no street list of voters printed, as is common in other large cities. The party organizations before most elections request the office to prepare for the use of their workers alphabetical precinct lists of the registered voters, which are typewritten, and the cost divided between the parties asking for copies. The registers are open for public inspection, but no other publicity is given to the registration. No complaint is raised against the absence of printed lists of voters.

PROCEDURE OF REGISTRATION

Registration is conducted at the central office throughout the year, with the exception of ten days prior to each election, when it is closed. Registration is also provided for the outlying precincts, and registration officers are sent out to places in different sections of the city for registration sessions of one or two days in length. This, however, is confined to only three places, and ordinarily to one day only. It is believed that all registration should be conducted at the main office under strict supervision.

The registration is conducted by the regular or extra employees under the close supervision of supervisors. The normal procedure is for the applicant to come before one of the employees at the central office, answer the required questions, and sign his name upon the original and duplicate records, thus completing the registration. The supervisory officers, including the commissioner, deputy, and the chief clerk, are on hand to take up any unusual case which may arise, and to watch out for anything which may appear suspicious. The supervisors keep a sharp lookout for groups of applicants being brought in by party workers, and are careful to see to it that every applicant answers the required questions, and not to permit the precinct captain to answer for him. Naturalized citizens are required to produce a record of their naturalization, or that of the person through whom they were naturalized. No provision is made for absentee registration.

The registered voter is continued on the register as long as he resides at his registered address. There is no provision for transfer of registration, and the voter who moves is required to register from the new address. At the time he registers he is asked the place of residence at the last registration, and if that is within the county, the previous registration is canceled. This is a faulty process. It inconveniences the voter by requiring him to register anew when he moves. It adds greatly to the work and expense of the election office, for new registration records are required

CORRECTION OF REGISTRATION

The death reports and the reports of persons convicted of disfranchising crimes are used to cancel registration. The principal means of keeping the registers free from dead weight, however, is the precinct canvass. A canvass of the entire city is made before general elections by the inspectors of election in each precinct. Before primaries and other elections a canvass is made only where it is deemed necessary and is usually confined to the transient section of the city.

A street list of registered voters is prepared in the election office after the close of registration and is turned over

to the precinct inspectors to use in making the canvass. There is but one precinct inspector, and he, regardless of his party affiliation, makes a house to house check upon the residence of registered voters, and issues a challenge for every voter not found. The inspectors are thoroughly responsible persons, and a thorough canvass is secured. Special care is taken in the transient sections, and inspectors qualified to handle the type of persons encountered are assigned. Some of the down-town inspectors are quite "hard boiled."

When the list of voters is handed in by the inspectors, the office sends out through the mail as soon as possible a challenge notice to persons who were not found. To remove the challenge it is necessary to secure the affidavit upon a proper form of two qualified voters of the precinct, and if the challenge is not removed within a year, the registration is canceled. The voter is permitted, however, to remove the challenge at the polls on the day of election. This is necessary because there is not sufficient time to handle the work before the day of election. In the shady precincts the inspectors are instructed to be very careful in accepting the affidavits, and require the two voters of the precinct making such affidavit to appear in person at the polls.

The cost of making the canvass is extremely small, even though the inspectors are paid for whatever time they may require to canvass the precinct. The average cost per precinct for the general election of 1924 was only $12.75, and the cost per registered voter only 2.8 cents. The canvass is very thoroughly made, especially in the sections of the city where fraud is most likely to occur.

When the voter appears at the polls to vote he is required to sign his name in the poll list. The law does not specifically require the comparison of his signature with that on the registration record, but this is done in most precincts for persons who are not personally known to the inspector, and may be done at any time. In the precincts where fraudulent voting is feared the inspectors are instructed to be very strict about making the comparison of the signatures. Every voter is not positively identified when he votes, but there is the possibility that a comparison of the signatures may be made, and this is sufficient to prevent impersonation.

Registration frauds in Omaha are practically unknown now, though before the present system of registration was adopted, fraudulent voting was quite common. This is a remarkable achievement in the face of a strong political machine which is none too scrupulous in its tactics. The credit for clean elections is due both to the system of registration and to the honest, independent, and vigorous administration.

THE COST OF REGISTRATION

The cost of registration in Omaha is relatively low, though it is higher than in some other cities with permanent registration. It is much lower than in cities with periodic registration. The largest cost of registration comes in the office administration, which is high because of the cumbersome system of maintaining four registers for each precinct of the city, in addition to the card index of registered voters. This is an unnecessary duplication of records. Considering the type of registration secured, the cost is very low.

The following table of the cost of registration is taken for a three-year period, since municipal elections are held only once in three years, and three years constitute a cycle of registrations and elections:

ESTIMATE OF THE COST OF REGISTRATION IN OMAHA FOR 1922, 1923, 1924

Salary, election commissioner (50% charged to registration)	$4,500.00
Salary, deputy (50%)	2,700.00
Salary, permanent office force (50%)	4,140.00
Salary, extra help (90%)	33,375.34
Registration blanks and forms (estimated)	1,900.00
Index cards (estimated)	131.25
Challenge notices, including stamps (estimated)	1,260.00
Miscellaneous supplies (estimated)	100.00
Total	$54,663.09
Average annual cost	$18,221.03
Average annual cost per registered voter (average, 70,000)	26c

STATISTICS OF REGISTRATION AND VOTING

Unfortunately, statistics on the registration and vote cast are available for only since 1922. In that year there were 66,100 registered voters in Omaha, with an estimated potential vote of 121,000, making 54.6 per cent of the potential voters registered. In 1924, with an estimated potential vote of 132,000, the registration was 66,723, or 56 per cent. These statistics indicate a relatively low percentage of potential voters registered. This probably may be accounted for through the general political situation rather than through the system of registration, which, in the main, is convenient to the voter. There are some features of the system which tend to restrict registration, however. In the first place, the canvass of registered voters is very thoroughly done, and dead weight removed from the registers. The challenges run as high as 20,000 at each canvass. The political "boss" of the city complains that the election commissioner disfranchises more votes than he ever stole. This does not mean that *bona fide* voters are disfranchised, as the "boss" asserts, but only that the lists are kept free from being padded.

The requirement of the voter who moves to come to the main office to register anew serves to deter registration. A system of transfer would add to the convenience of the voter and would increase the registration. The restriction of registration to the central office, with a few exceptions, also makes registration inconvenient to the class of voters who never come to the heart of the city. More use of outside registration offices would make the system more convenient and increase the number of registered voters.

The comparative statistics of registration by wards indicate a very healthy condition. The three "river wards" have the lowest registration in the city. In 1922, using the census report of 1920 uncorrected to take into account the growth of the city, 61 per cent of the potential voters of the city were registered. The percentages in the three "river wards" were only 56, 42, and 40, respectively, while the better wards of the city ran from 64 to 77 per cent registered.

SUMMARY

The most significant feature of registration in Omaha is the organization rather than any mechanical feature of the system. The old theory of bipartisanship and divided power and responsibility has been discarded, and in its place has been set up independent, non-partisan, centralized, responsible administration. At the head of the organization is the single election

commissioner, whose independent and non-partisan administration of elections is attested to by the fact that a Democratic commissioner was reappointed by Republican governors and a Republican commissioner by Democratic governors. The custom has grown up to appoint and to continue in office a commissioner who is more or less independent of party ties.

The backbone of the registration system is the precinct inspectors of election, who investigate registration and are responsible for their precincts. Responsible, well-to-do citizens serve as inspectors because they consider it the patriotic thing to do. The position is one of power and responsibility and is filled without regard to precinct or party lines.

THE FATE OF THE FIVE-CENT FARE

IV. THE TWIN CITIES LOSE CONTROL OF RATES AND ALSO THE FIVE-CENT FARE

BY WILLIAM ANDERSON
University of Minnesota

The Twin Cities, unable to solve their street railway difficulties, lose control to the state railroad commission. Efforts of recent years yield disappointments, and no one knows what the future holds :: ::

In an article prepared early in 1920[1] the writer reported the war-time difficulties of the Minneapolis Street Railway Company under a five-cent fare franchise, and the proposal and defeat of a cost-of-service franchise. At that time the city was still in position to exercise control over the street railway company, had it been able to find a way to do so, and was also still the beneficiary of a fixed five-cent fare. At the same time it was plainly written in the stars that, unless the city took early and positive steps to make secure these advantages, they would soon be taken away. So clearly was this the case that the writer, after asserting that Minneapolis had recently "done nothing constructive to solve her transportation problems," made bold to predict (most unprofessorially) as follows:

> There is no question that the next move should come from that group opposed to the late franchise, represented by Mayor Meyers and the minority of the central franchise committee. They have defeated one proposal; what constructive measures they will propose do not yet appear. If their solution is not ready for submission before the next legislature meets, it is almost certain to be confronted with a new demand from the company, and a demand more compelling than ever, to transfer them to the jurisdiction of the state railroad and warehouse commission. There will be influential representatives from Minneapolis to present this view. They will be equipped with the very plausible argument that "home rule has failed." The legislature, which has already threshed this old straw many times, and which has long been restive under the burden of passing on so many of Minneapolis' problems, will be strongly inclined to settle this question once for all by establishing state regulation.

The next session of the legislature was due to be held in St. Paul in January, 1921. This was practically the last session at which the legislature

[1] See NATIONAL MUNICIPAL REVIEW, February, 1920 (Vol. IX, p. 78).

could solve the Minneapolis street railway problem, since the existing franchise was due to expire early in 1923 and the company had to have some time to prepare for a change. But in fact even before 1921 the city saw the street railway problem rapidly entering a new phase. The five-cent fare passed out in 1920, not only in Minneapolis but also in St. Paul, and the manner of its going was as follows:

A STRIKE IS THREATENED

In the campaign of 1919 an organization of street railway employees had worked actively for the proposed franchise on the ground that only by getting increased revenues could the company afford to pay its employees a much-needed increase in wages. At that time the men were receiving a maximum of fifty cents an hour and were working ten hours per day. In the spring of 1920 the Trainmen's Coöperative Association, which was not strictly speaking a labor union, announced a demand for increased wages and shorter hours which the company declined to grant. Thereupon the leaders threatened to call a strike on July 1, but the strike was avowedly not so much against the company as it was against the city council and the city. One leader was quoted in June as having said that "since the company has been unsuccessful in getting permission to increase fares and since it is the only means to enable the company to grant our requests, we propose to take up the matter of getting this permission ourselves. We will tie up the system until this permission is granted."

Much has been said in denunciation of the Boston police strike as "a strike against public authority," and of the "holdup methods" by which the railroad brotherhoods procured the passage by congress of the Adamson law, but it was, surprisingly enough, only the Socialist and labor leaders in Minneapolis who strongly denounced this threat of the trainmen's association. The president of the street railway company publicly advised the men not to strike, but he really fell into line with their general plan when, early in June, he asked the city council in the emergency to waive the five-cent fare provision of the charter and to allow the company to charge a seven-cent cash fare and to sell four tickets for twenty-five cents. His argument was that in the face of high operating costs the company could not raise wages as it should without a fare increase, and that without a higher wage scale it was impossible to man enough cars to give adequate service.

While these events were occurring in Minneapolis, St. Paul was being confronted by an almost identical situation. The St. Paul City Railway Company, like the Minneapolis Street Railway Company, is an operating subsidiary of the Twin City Rapid Transit Company of New Jersey and has, with a few exceptions, the same officers. In St. Paul, as in Minneapolis, the trainmen had organized; a strike had been threatened for July 1; the company had applied for higher fares; and the voters had gone so far as to approve fare increases by the council provided the service were first improved.

In this Twin City transportation crisis, the councils of the two cities found it wise to meet in joint session to survey the situation. To one of their joint meetings came the president of the two systems with some informing figures. He showed that the Minneapolis system was doing 50 per cent more business than the St. Paul system, and that in 1919 and the first four months of 1920 the net results of operation had been as follows:

	Minneapolis system	St. Paul system
First eight months, 1919, net income	$671,516	$100,005
Last four months, 1919, with slightly higher wage scale, net income	294,448	(loss) 40,869
Net for 1919	$865,964	$59,135
First four months, 1920, net	$327,980	(loss) $16,166

Thus the books showed that on a five-cent fare basis, and with the existing wage scale, the St. Paul lines had lost $57,000 in the last eight months, while the Minneapolis lines had earned over $622,000. The Minneapolis earnings for 1919 were equivalent to 6 per cent on over $16,000,000 valuation, or 4 per cent on $24,000,000 after expenses, taxes, and bond interest had been paid. For the first four months of 1920, still on the five-cent fare, the net earnings in Minneapolis were fully as good as in 1919, but the St. Paul lines continued to lose.

To many Minneapolitans these figures were proof of a long standing suspicion that, through the medium of the Twin City Rapid Transit Company, the Minneapolis car-riders were being mulcted to subsidize the car-riders in St. Paul. To them it seemed that the logic of the situation demanded a financial, but not an operating separation of the two systems, with increased fares in St. Paul and a continuance of the five-cent fare in Minneapolis. There can be no doubt that there was justice in this view, but it did not cover the whole case. Even in Minneapolis the earnings were not large enough to justify any considerable increase of trainmen's wages, and the strike ultimatum still hung over the city. Furthermore, a financial separation of the systems would mean the loss to Minneapolis citizens of the privilege then enjoyed of riding into the "midway" or "neutral" zone of St. Paul without payment of an extra fare.

THE FIRST FARE INCREASE

While the two city councils were pondering the question of fares, the mayors of the two cities had organized arbitration boards to mediate between the trainmen and the company. The strike was postponed during the pendency of these negotiations. Late in July the Minneapolis arbitration board reported its recommendation that the men be given an increase of ten cents per hour in wages, that hours be reduced from ten to nine, that service be restored to the 1917 standard of 6.5 passengers per car mile (it had fallen to more than eight per car mile), and that the company be allowed to charge a seven-cent cash fare and to sell four tokens or tickets for twenty-five cents.

The mayor and many citizens of Minneapolis continued to protest against this increase of fares, but the councilmen, moved by the renewed threat of the trainmen to strike on August 7, late on August 6 passed an ordinance embodying most of the recommendations of the arbitration board but declaring that until December 15 the fare should be six cents cash. The people were to be led by easy stages to higher fares,—but the five-cent fare was gone. The ordinance also required the company to make certain extensions, and also, when accepted by the company, as it soon was, authorized the council thereafter to regulate fares "notwithstanding the provisions of any existing street railway

franchise." This ordinance the mayor declined either to sign or to veto.

Meanwhile in St. Paul the trainmen had allowed an additional two weeks for council action. This extra time the council used for further parleys, but in the end it fell into line. The ordinance which it passed followed closely that enacted in Minneapolis. In due season the trainmen received the increased wages recommended by the several arbitration boards. Efforts were made, also, to improve the street car service, but this was very slow work, and at the end of November the president of the companies announced that, since the companies had been unable to improve service sufficiently, they did not yet feel justified in raising the fare from six to seven cents. This was in the circumstances an eminently fair and diplomatic course to pursue.

THE STATE ASSUMES CONTROL OF RATES

The next steps in Twin City street railway history were taken by the 1921 session of the legislature. The opponents of increased fares were without a program of constructive action. In the case of those living in St. Paul this was not unpardonable since the street railway franchise in that city had many years left to run, and the city had under its home rule charter fairly extensive powers to regulate public utilities. It was not so in Minneapolis, however, for there the franchise was to expire in 1923 and even the home rule charter adopted in November, 1920, contained no important sections on street railways other than those embodied in the state law of 1915 authorizing cities to grant street railway franchises.

To protect its interests the company needed early action. At its instance there was introduced into the legislature a bill to transfer to the state railroad and warehouse commission the power to regulate street railways. It is unnecessary to give here the details of the struggle over this measure, which became noted in local politics as the "Brooks-Coleman law." The bill originally introduced was considerably modified in passage. It emerged as an act which conferred upon the railroad and warehouse commission the power to regulate fares in the first instance, guaranteed to both company and city a right of appeal from such fare order to the courts, secured to the city the power to regulate service and extensions, and expressly conferred upon cities the power to acquire and to operate street railway systems. Any company which consented to the terms of the act was permitted to surrender its franchise and to receive in place thereof an indeterminate permit. It was not long before every important street railway system in the state had taken advantage of this provision.

The Brooks-Coleman law falls, in fact, into that group of laws which divides the powers of regulation between a state commission and the city concerned. Cities lose under it the important powers to grant franchises, and to fix rates and valuations, but Minneapolis, at least, has more power to control service and extensions under this act than it had under the 1873–1923 franchise.

No sooner was the act in effect than the companies began to prepare petitions for increased fares. When filed, these petitions were found to call for an emergency fare of seven cents cash, with four tokens for twenty-five cents, said rates of fare to remain in effect until the commission should have fixed the valuation of the properties and determined the permanent rates. At the end of August, 1921, the commission ordered these rates into effect in both cities, but they were held up by

injunction proceedings in the state courts and never went into effect.

THE STREET RAILWAY VALUATIONS

The next step was to find the valuation of the several properties and to prepare the cases for the settlement of the fare question on a more permanent basis. The Minneapolis city council employed Dr. Delos F. Wilcox for its valuation work, and St. Paul engaged Dr. E. W. Bemis. In the latter city the valuation proceedings were fairly peaceful, but in Minneapolis they were more exciting and involved several appeals to the courts in an attempt to open certain books of the Twin City Rapid Transit Company to Dr. Wilcox. The Minneapolis Street Railway Company urged that the Twin City Company was in no way involved in the litigation, since it was merely a holding company, but the city convinced the court that the connections between parent and child were so close as to make necessary the examination of the books of both companies to understand the affairs of either. In his examination of these books Dr. Wilcox made various interesting disclosures concerning the financial history and the political connections of the company, but this information did not have much bearing on the valuation.

After long delays the cases from both cities finally went before the railroad and warehouse commission in December, 1924. As usual the valuation figures showed almost unbelievable variations. For Minneapolis the figures varied from the company's $54,690,704, as the undepreciated value on the basis of July, 1921, prices, to the city's figure of $15,921,324 on the basis of original cost undepreciated. For the St. Paul system the variations were from $34,911,529 to $10,654,013. In each case the highest figure was nearly three and a half times the lowest.

The commission had its own valuation experts, and in the case of Minneapolis it had also the benefit of the Cappelen valuation of 1916 and the Pillsbury revision of the same, which had been used as the basis of the proposed franchise in 1919. At the conclusion of its deliberations in 1925 the commission found the fair value of the two systems to be as follows:

Minneapolis system, as of January 1, 1922	$25,346,080
St. Paul system, as of January 1, 1924	15,998,849

NEW RATES OF FARE

The next question for the commission to settle was that of the rate of fare. To do this it was, of course, compelled to give close consideration to the rate of return, the revenues and expenditures of the company, the probable effect upon traffic of an increase in fares, and numerous other interdependent factors. While the experts for the cities argued for a 6½ or 7 per cent rate of return, and the company's witnesses urged an 8 or 9 per cent rate, the commission found recent authority to justify a rate of 7½ per cent,—a compromise between the cities' highest and the companies' lowest figure. The rate of earnings on the Minneapolis system in 1924 was found to be 6.71 per cent, a rate which was held to be too low. In St. Paul the corresponding rate was 3.84 per cent, the figures in both cases being based upon the commission's valuations.

Upon looking into the figures for passengers carried the commission found a depressing tendency downward. In Minneapolis the revenue passengers had diminished in number from 138,632,824 in 1920 to 126,492,460 in 1924; in St. Paul the decline was from 89,020,735 to 75,627,955 in the same period. Since an increase in fares was almost imperative according to

the commission's own findings, but would almost certainly reduce the number of pay-riders, the outlook was anything but encouraging. The commission finally concluded, however, that even with the number of pay passengers in Minneapolis reduced to 118,233,300 for the next year, an average fare of 6.43 cents would yield the required 7½ per cent. This average fare, it believed, would result from charging 8 cents cash and selling ten tokens for 60 cents.

The St. Paul situation was more difficult. Because of the great amount of interurban traffic the companies and also a great many citizens desired to keep the fares the same in both cities, but it was obvious that a rate which might yield a good return upon the heavily travelled Minneapolis lines would be far less remunerative in St. Paul. The commission decided, nevertheless, to establish the same rates of fare in both cities, but in so doing it warned the city of St. Paul that this parity of rates could not be continued unless that city reduced very materially its service standards, its taxes upon the company, and its requirement as to paving between and beyond the tracks. Until St. Paul made these adjustments, the commission admitted, the rates of fare established would "not earn the return that the company is entitled to under the law or under its constitutional rights."

COURT APPEALS AND FINAL COMPROMISE

It is perhaps unnecessary to relate that neither the cities nor the companies were satisfied with these decisions. The former promptly appealed under the law to the state district courts, whereas the companies applied to the federal courts for restraining orders. Neither side was satisfied with the valuations, or with the rates of fare,—but all parties were weary of constant strife. Further litigation promised only added expense and disappointment. A spirit of compromise began to manifest itself, and it was not long before each of the twin companies had agreed with its particular twin city to settle all disputes by accepting the commission's valuation and asking the commission on the basis of 1925 experience to redetermine the proper rates of fare. The upshot was the presentation to the commission of a friendly joint petition from each city, but in this case, although the commission had the same valuations and the same rate of return to work upon, it found that in fact the rate of fare would have to be 8 cents cash or six tokens for 40 cents (fifteen tokens for one dollar). Again the St. Paul rate was made the same as that for Minneapolis, and again St. Paul was warned to reduce some of the burdens on the company.[1] And thus it came about that, from a five-cent fare in 1920, the rate rose in both cities by January 1, 1926, to 8 cents cash, or 6⅔ cents when paid in tokens.

One interesting by-product of the 1921 legislation and subsequent litigation was the abolition of the "midway" or "neutral" zone in St. Paul into which persons could come from Minneapolis for one fare, and out of which one could travel for one fare to any part of Minneapolis. The commission had no wish to disturb this neutral zone, but the law gave it power to fix rates only for each city separately and not to fix rates for two cities without regard to city boundaries. A St. Paul district judge, deciding a case involving this point, averred that the St. Paul City Railway

[1] A charter amendment has been proposed, to be voted upon in November, to permit the city to assume part of the burden of paving between the tracks and of maintaining streets which are used by the street car lines.

Company was losing from $250,000 to $300,000 annually because of this neutral zone. Thereupon the companies, on January 7, 1922, abolished this zone's one-fare privilege. The result was most astounding, for the Minneapolis company promptly began to earn over $200,000 net additional each year, whereas the St. Paul system began to lose nearly $100,000 net annually. The explanation lies in the fact that, whereas the revenue from interurban business had previously been divided equally between the two companies, the bulk of this business had originated in Minneapolis.

A RÉSUMÉ OF DISAPPOINTMENTS

In the typical novel of Thomas Hardy, life is likely to be pictured as one disappointment after another. No one is truly happy, and no one character seems to get what he really wants or deserves. It is much the same with our Twin City street railway struggles.

The trainmen who gave the necessary stimulus toward the first increase of fares in 1920 had asked an increase from fifty to seventy cents per hour and an eight-hour day. They obtained sixty cents and a nine-hour day with a few other minor concessions. This rate did not last very long, for in 1922, when the company was unable to get an additional increase of fares, the trainmen's wages were cut from a sixty-cent maximum to fifty-three cents. This was again increased in November, 1925, to a fifty-five-cent per hour maximum, with a nine-hour day and a guarantee of $3.50 per day, but this is still very far from what was demanded when the men threatened to strike against the city in 1920.

The company is doing somewhat better than it did a few years ago, but is not making phenomenal profits. An estimate made in July of this year put the probable earnings on the common stock at 5 per cent or less, with 7 per cent on preferred.

And as to the public, it is now getting used to the higher fare, but it is riding more and more in automobiles. The street cars are still indispensable, but they no longer enjoy a monopoly in local transportation. Some extensions have been made, involving longer hauls; a few bus lines have been established by the company as feeders and as cross town lines; the company has taken over the higher-fare interurban bus lines; and there has been considerable improvement of the service since 1920. The 1917 ratio of 6.5 passengers per car mile has not been reached in Minneapolis, however, although the 1926 average may be near 6.8. In St. Paul the prospect is either poorer service, or higher taxes (when and if the city assumes the paving and maintenance of streets bearing the car tracks), or still higher fares.

And in conclusion let us hark back to the position of those who opposed the 1919 cost-of-service franchise for Minneapolis. They argued for and obtained a defeat of the proposal on the ground that the valuation, $24,000,000, and the rate of return, 7 per cent cumulative, were too high. Today, in spite of their activities, Minneapolis is paying at a rate of $7\frac{1}{2}$ per cent on a valuation of $26,787,228 as of January, 1925, and to cap it all, the city has lost control over street railway rates for probably many years to come.

ASHTABULA'S TEN YEARS' TRIAL OF P. R.

BY RAYMOND MOLEY AND CHARLES A. BLOOMFIELD

The verdict of one decade's experience upon the claims of proportional representationists and the alarms of P. R.'s enemies :: ::

ASHTABULA, OHIO, was the first city in the United States to adopt the Hare system of proportional representation for the election of councilmen. In fact, its adoption in that city in 1915 represented the first trial of the Hare system in this country. Fortunately for those who are interested in seeing it thoroughly tried the voters of Ashtabula have retained it during the eleven years since its adoption. Six elections provide a body of data sufficiently comprehensive to warrant a few tentative conclusions as to what may be expected of this widely discussed and debated method of representation. This paper embodies the results of an investigation made by the authors during the past year. We took note not only of the elections of councilmen under the Hare system but of five elections before it was adopted and thus sought certain comparisons between the new system and the one which preceded it.

In 1914 the city adopted a new charter under the home rule provisions of the Ohio constitution and in the following year amended the charter to permit the election of the council by the Hare system. The charter provides a council of seven members elected for two years and the council selects the manager. In 1920 an attempt was made to amend the charter by elimination of proportional representation, but the voters rejected the proposal.[1]

[1] A similar amendment is again proposed this fall and will be voted upon in November.

The city of Ashtabula is located on Lake Erie, about fifty miles east of Cleveland. Its population in 1920 was 22,082. It enjoys the advantage of a harbor which is used by ships transporting iron ore from Michigan and Minnesota for use in the Pittsburgh district. The presence of the harbor gives the city a decidedly industrial character as many men are employed in the transferring of ore from ships to railroads. In addition to this source of employment there are a number of small industries.

The operation of any voting system in this city must reckon with certain rather peculiar geographical divisions. Near the lake are two rather distinct communities separated by the harbor. One is a community largely inhabited by Italian immigrants, and the other is in the main composed of Finns and Swedes. One ward is practically identical in area with the Italian settlement. Another ward includes a part of the harbor district and an area about two miles long extending south from the harbor district to the center of the city. The city proper and the older residence area compose two other wards. The city's four wards thus comprise rather distinct areas which under the old election-by-ward system elected rather distinctly differentiated representatives. The wards, of course, since the adoption of the Hare system have significance only as voting districts.

In this paper it is taken for granted that the operation of the Hare system is understood by the reader. The

system used in Ashtabula is the so-called "single transferable vote" system. The voting is done in election precincts in four wards.

In the discussion which follows we have attempted to test certain repeated claims which have been made for proportional representation in terms of the experience of Ashtabula. We are attempting neither to support nor to oppose the system. We are convinced that it has certain unquestioned advantages and that its opponents have too often placed an undue emphasis upon irrelevant features of the system. On the other hand, it has in the main been presented to this country by its avowed exponents. There has evolved a series of claims for it, largely drawn from the imagination of its propagandists which should be tested in the light of actual experience and perhaps corrected in accordance with such facts as are available. The Hare system, it seems, has suffered more from its too enthusiastic exponents than from its enemies.

The experience of Ashtabula throws interesting light upon the following pertinent questions concerning the operation of this system:

1. Does public interest in elections increase when the Hare system supplants the election-by-ward system?

2. Are better qualified persons elected to the council?

3. Does it keep men in office for more terms?

4. Does it provide a more effective method of registering the choice of voters?

5. Does it destroy local (geographical) representation?

6. What groups seek or secure representation?

7. Does the use of the Hare system intensify religious prejudices in elections?

PUBLIC INTEREST IN ELECTIONS

Interest in an election is usually reflected in the proportion of those entitled to vote who actually exercise the right. In measuring this proportion in Ashtabula we secured the votes for president, for governor, for mayor prior to 1915 and for councilmen over a period beginning in 1905 and including 1925. The number entitled to vote was taken from the census figures in the three decades involved with an increase allowed for each year equal to one tenth of the gain for the decade.[1] The percentage of voters who voted at the elections from 1905 to 1925 inclusive is indicated in the following table:

[1] Since 1920, of course, women were included and the percentage of increase allowed each year was based upon the census estimate for 1925 of increase in total population.

THE PERIOD PRECEDING PROPORTIONAL REPRESENTATION

Year	Percentage vote for governor	Percentage vote for mayor	Percentage vote for ward councilmen
1905	81.39	78.61	.....
1906	.....	.....	.....
1907	.....	78.93	69.19
1908	77.54	.....	.....
1909	.....	75.01	67.47
1910	51.99	.....	.....
1911	.....	75.71	64.99
1912	71.18	.....	.....
1913	.....	59.95	50.26
1914	72.20	.....	.....

THE PERIOD UNDER PROPORTIONAL REPRESENTATION

Year	Percentage vote for governor	Percentage vote for mayor	Percentage vote for ward councilmen
1915	.....	.....	67.12
1916	71.05	.....	.....
1917	.....	.....	71.39
1918	58.82	.....	.....
1919	.....	.....	61.02
1920	58.21	.....	.....
1921	.....	.....	46.29
1922	45.40	.....	.....
1923	.....	.....	44.94
1924	62.16	.....	.....
1925	.....	.....	39.87

Averaging these for each decade we have the following result:

Years	Average percentage vote for		
	Governor	Mayor	Council
1905–1914, inclusive	70.51	73.21	62.59
1915–1925, inclusive	57.52	.....	50.68

It is of course true that the pronounced falling off in the vote in the past ten years is largely due to the failure of women to exercise their suffrage, in Ashtabula as elsewhere. In considering the drop from 62.59 per cent to 50.68 per cent in the vote for council this factor must be kept in mind. Eliminating this factor by counting only the first three elections after the adoption of the Hare system and before women voted, we have an average of about 66 per cent. Here we must allow for the fact that one of these was the first election under proportional representation and in 1917 a serious religious conflict was involved. In 1919 the percentage had declined to a point below the ten-year average before proportional representation was adopted.

It should be remembered, moreover, that a mere comparison between the votes for councilmen in the two periods is a bit misleading. The manager plan had eliminated the elective mayor and had concentrated all power in the council. (The size of the council was the same under the old government as the new,—seven.) It is apparent from the table shown above that the election of the mayor aroused a considerable degree of interest, more in fact than that of the governor. It would not be reasonable to expect that the election of any legislative group, regardless of the system of election used, would create an interest equal to that manifested in the election of a chief executive. But it would be reasonable to expect more interest in the election of a council possessing all power than in that of merely a legislative adjunct to the mayor.

Another interesting development is illustrated by the following table which indicates the striking contrast between the number of candidates for council

presenting themselves at each election under the old method and under proportional representation. The number in each case is given below:

Old method		The Hare system	
1905	13*	1915	14
1907	22	1917	16
1909	21	1919	14
1911	21	1921	17
1913	29	1923	13
		1925	12

* Only four places were filled at this election.

In view of the fact that the average population was perhaps one-fourth less during the earlier period, the contrast here is very striking. Those who expect that the ease with which individuals are nominated under the Hare system will result in large numbers of candidates will be surprised at this definite limitation that seems to impose itself upon the number of candidates seeking office. This is a favorable sign but it nevertheless indicates that service in the council under the new system is not exceedingly popular.

THE QUALITY OF THOSE ELECTED

No satisfactory method has yet been devised to measure the ability of those holding public office—especially legislative offices. Exceptional experience or accomplishment in business or in a profession does not necessarily guarantee high ability as a councilman, nor does a keen intellect always make certain devotion to the public interest. The best guide in the exacting job of judging ability in public office is still only the opinions of those who know the character, antecedents, public record and point of view of those who serve. We sought such an estimate from citizens who knew practically all who had held office under both proportional representation and under the system which preceded it. We claim no scientific accuracy for this method; it is merely a composite of widely differentiated and well-informed opinions. But we present it with the feeling that it is the best method which can be used for such a purpose at the present stage in the progress of the social sciences.

Five persons were selected who were reputed to possess fair-mindedness and good judgment and who had a wide acquaintance in the city over a period of many years. These five included representation of both political parties and of independents. One was a Roman Catholic, one was friendly to the Klan, while the others represented other points of view on religion. The names of the forty-three councilmen who have held office since 1905 were written on cards. (Twenty-one held office under proportional representation and twenty-two under the old system. Three held office under both systems and were omitted from the list.) The judges were individually asked to arrange the forty-three names in three groups, "High," "Average," and "Low Ability." "Ability," it was explained, meant "ability in public service."

For obvious reasons we cannot in this article set forth the complete results indicating the ratings given each councilman. The following is a summary of these ratings:

AVERAGES BY PER CENT

	Old method	Hare system
High ability	30.91	36.19
Average ability	37.27	52.38
Low ability	30.00	11.43
Unknown	1.82	.....

PER CENT ACCORDING TO TERMS SERVED

	Old method	Hare system
High ability	34.82	43.33
Average ability	34.07	48.00
Low ability	29.63	8.67
Unknown	1.48	.....

If we consider formal education as a test of fitness for a membership on the council the following comparison is possible:

	Old method	Under the Hare system
Less than 8th grade	3	2
Completed 8th grade	12	7
Completed high school	4	7
Completed college	3	5
Total	22	21

Thus, over half of those elected, under proportional representation, possessed a high school education as compared with a third of those elected under the old system. Most of the college graduates were, of course, professional men. Two of the college graduates served under proportional representation for three terms each. Thus it would seem that under proportional representation the amount of formal education possessed by the members of the council was measurably better than under the old system. Without in any way seeking to minimize the importance of this difference between the individuals elected under the two systems it should be said that educational facilities have increased rapidly during the past few years and it is likely that a study of any city council would reveal an improvement.

If political experience is considered as a qualification for the holding of public office, the results under the two systems were not dissimilar. Only about a half-dozen of the forty-three councilmen considered held any political office prior to their election to the council. In these few instances the office was a comparatively insignificant one. Most of those having some political experience were elected under proportional representation.

We must conclude from this study of the comparative ability of the individuals elected to the council under the two systems that the use of proportional representation has hardly justified the optimistic claims sometimes made by its proponents that the system is likely to bring out better candidates for public office and thus improve the tone of public service. According to the test we have used, proportional representation has given Ashtabula a measurably improved council but the margin is slight. This slight margin might have been secured under the city manager plan with any system of election because the position of councilman under the city manager plan is, of course, much more important than under the council-mayor plan. It should be suggested in this connection that an interesting study remains to be made of this particular point in the various cities where the manager plan has been adopted. Before such a study has been made it would be unwise to ascribe to proportional representation the slight improvement of city councils in Ashtabula under the new régime.

TENURE OF OFFICE

Does the Hare system keep councilmen in office for longer periods of time? The answer is in the negative. The average tenure of office of all councilmen serving under the old system was

1.46 terms. The average under proportional representation has been exactly the same.

The tendency to reëlect is shown in the following table:

COUNCILMEN REËLECTED

Old method*		Hare system	
1907	1	1915	3
1909	3	1917	2
1911	2	1919	3
1913	3	1921	3
		1923	3
		1925	3

*The election of 1905 is omitted because only four councilmen were elected in that year.

The average number reëlected is higher under the Hare system than under the old system although the difference is caused by the results of the election of 1907. Since 1909 it will be noted that the number reëlected has remained fairly constant.

THE EFFECTIVENESS OF THE VOTE

If the Hare system is, as some of its opponents claim, too "complicated" to be understood by the average elector we are likely to have not only a decline in interest in elections, but a large number of invalid and ineffective ballots. The extent of the decline in interest we have already indicated. The extent of the latter is indicated in the following table:

In this table "invalid" ballots are those which are thrown out by election officials before the count begins. As might have been expected the proportion was high in the first election. It was also high in 1919 when a large number of immigrants naturalized during the war voted for the first time. Since then, it has been fairly constant and as compared with the percentage of invalid ballots in an average election not unusually high. "Ineffective" ballots are those which in the process of transferring the votes of defeated candidates are found to contain no more "choices" and are therefore discarded as "exhausted." If voters cast many ballots in which only one "choice" is indicated the number is high. The ignorant voter is likely to mark only one name on his ballot. In fact the Italian group in Ashtabula did this rather freely and consequently swelled the total of ineffective ballots in years when a candidate receiving a number of their votes was declared defeated. This was true in 1915, 1921 and 1923. In the other years, the Italian votes were not transferred. This is the only significance which can be attached to the small numbers in 1919, 1921, and 1925.

Another way of measuring "effectiveness" in elections is by the percentage of those who vote whose ballots actually count in the election of representatives. The older system is criticised because it is only about

Election Year	Total ballots cast	Percentage invalid	Percentage ineffective
1915	3334	10.8	9.6
1917	3700	7.1	6.3
1919	3294	13.5	6.6
1921	5154	3.0	7.8
1923	5096	3.5	7.6
1925	4781	4.9	4.1

fifty per cent effective. The Hare system it is claimed yields a much higher rate. The justice of this claim is shown by the following figures:

	Total valid ballots	Total ballots cast for elected candidates	Percentage of effective ballots
1915	2972	2388	80.34
1917	3438	2680	77.92
1919	2849	2374	83.32
1921	4998	4128	82.57
1923	5018	4187	83.43
1925	4544	3865	85.06

No comparison is possible in this respect with elections before 1915 because of the absence of such a large proportion of the official records. It may fairly be ventured that the percentage of the votes actually cast at the election which counted in the election of successful candidates was not over forty.

Related to this is the question of election without the quota which of course is common under the Hare system. The fact is that while a quota is determined under the Hare system by the familiar formula many successful candidates never receive this quota. The following indicates the extent of this tendency:

ELECTION WITHOUT THE QUOTA

Year	Quota	Elected on first choice	Elected without quota
1915	372	1	4
1917	298	1	4
1919	357	1	4
1921	625	1	4
1923	628	2	3
1925	569	1	3

LOCAL REPRESENTATION

The most effective argument for proportional representation is phrased in the slogan that the system permits voters "who think together but live apart" to secure representation to their liking. It is obvious that many factors other than physical propinquity should be involved in representing a voting population, especially in a city council. The advantage of proportional representation is that it permits local representation if it is sufficiently strong, and that it permits similarity of ideas and interests to coöperate regardless of residence. It is possible that local representation may after all in a small city be what people want. A careful study of returns by voting precincts in several Ashtabula elections shows quite conclusively that not interest, but acquaintance, determined the voters' choices for the most part. The habit of voting for one's neighbor was very strong.

The following shows the number of terms served by councilmen classified according to the wards in which the councilmen lived:

	Old system	Hare system
Ward I	10	8
Ward II	5	6
Ward III	9	8
Ward IV	11	13
	35	35

It should be noted that under the old system seven councilmen were elected one from each ward, elected by the ward, and three from the city at large. These figures indicate that there was little of that "frustrated" desire of people living apart to vote together of which we hear so much in proportional representation propaganda. The residence of those elected has been much the same under both systems.

"GROUPS," "INTERESTS" AND P. R.

Political parties under the national party names, according to the advocates of non-partisanship, have no place in municipal affairs. We should encourage the activity of new groups, more vitally concerned in municipal problems. Labor groups and other interests should take the place of the old "empty shells" called Democratic and Republican. Proportional representation, especially the Hare system, will according to its advocates work toward this end. To what extent has this claim been justified in Ashtabula?

The Democratic and Republican parties have ceased to function in municipal elections in Ashtabula. No candidate for the council has ever been formally endorsed by a political party since 1915. This termination of party activity has not been equally true in Cleveland where the parties functioned in the first two elections under the Hare system much the same as before. But in Ashtabula the opposite was true probably because of the fact that parties have never used municipal government so freely for patronage as in the larger cities.

The Socialist Party was once quite active in Ashtabula but there, as elsewhere, it has disintegrated since 1919. There has apparently been no attempt by its remaining adherents to secure even one representative under the Hare system. Those who fear the "socialistic" tendencies of proportional representation may take heart. In Ashtabula, there has been little evidence that it is likely to stay the hastening ruin of Marxism.

Nor has labor been stirred to political activity under the Hare system. There has been no labor candidate, no labor party, apparently no labor endorsements and not the slightest evidence that labor is aware of the existence of a system which is so favorable to new parties and causes.[1]

There remain to be considered those "interests" which are based upon nationality. A common charge urged by the opponents of proportional representation is that it will encourage the alignment of voters in accordance with race or nationality and thus preserve in American surroundings these old world patriotisms so repugnant to the American patriot. It is clear that racial solidity is a common motive in voting, so common that all political parties have long paid it tribute by representing among its candidates every considerable foreign group. Under the Hare system this type of representation is guaranteed for every group which is large enough to attain the quota and self-conscious enough to insure the support of its membership. This support is usually quite apparent,

[1] In Cleveland the same thing has been true of labor under the Hare system. In 1923 the president of the Cleveland Federation was a candidate for council and received only 284 first choice votes out of a total of 32,872.

especially among Poles, Italians and others of the more recently arrived immigrant groups.[1]

The foreign-born groups in Ashtabula while large are few in number and are each concentrated in fairly definite sections. A total of 1679 of the 8491 voters registered in 1925 were of foreign birth. Of these 450 were born in Italy, 417 in Finland, and 282 in Sweden. These were the only nationalities registering one hundred or more. These were fairly well concentrated in three wards with 87 per cent of the Finns in Ward I, 59 per cent of the Italians in Ward II, and 40 per cent of the Swedes in Ward III. The Finns have been represented by one of their nationality in four of the six councils elected under the Hare system. They do not seem to have had specific representation under the old system although it is quite certain that had the election-by-ward system continued they could have controlled elections in Ward I. The Italian group seems to have been represented continuously since 1910 with the exception of one term. In 1919 and 1925 two candidates of Italian birth were elected; in every other council since 1910 one was elected, except in 1917.

It is quite clear that the Italians and the Finns would have elected one each under the old system. Our conclusion is that so far as the representation of foreign-born groups are concerned the adoption of proportional representation has made little difference. Any ward system or even a non-partisan election at large would probably have seen the election of about the same representatives of these groups. The Hare system in Ashtabula has neither intensified nor dissipated national solidarity.

[1] For an account of the working of this factor in an election under the Hare system see an article by Raymond Moley on *Proportional Representation in Cleveland*, Political Science Quarterly, vol. 38, p. 652.

RELIGION IN ELECTIONS

Since the coming of the Hare system religion has played a larger part in municipal campaigns than before. This was especially true in 1917 and in 1923. In 1917 the Guardians of Liberty, an anti-Catholic organization, endorsed, actively supported and elected four candidates. In 1923 the Ku Klux Klan endorsed and actively and publicly supported six candidates one of whom received the largest first choice vote ever given to a candidate for the council. The transfer of votes from this popular candidate elected at least another of those endorsed.

It is clear that proportional representation is at least a mild invitation to the activity of religious groups in councilmanic campaigns. It provides a reason for cohesion when as we have seen no other kinds of groupings seem to appear. Moreover, this has been about the only clear issue that has marked any election since 1915. It must be confessed that in both of the bitter religious campaigns the Catholic candidate was elected in spite of the larger triumph of the opposition. It may be that such a result proves the value of the Hare system in that even when the tide of religious feeling is at its height the minority has not been denied representation. However, this is small compensation if the system is responsible for inviting the issue in the first place.

CONCLUSIONS

1. Interest in elections as it is reflected in the participation of the electorate in elections has not been materially affected by the use of the Hare system. There has been a decline during the past ten years which has

been due to causes other than the system used.

2. There has been a measurable improvement in the quality of councilmen elected, but hardly sufficient to justify the claim that the use of the new system has been responsible. It is more probable that the increased power of the council under the manager plan of government has attracted better candidates.

3. Tenure of office has been practically the same under both systems.

4. The proportion of "invalid" and of "ineffective" ballots has shown an appreciable decline indicating probably that the electorate has been learning to vote more intelligently from election to election. The proportion of votes which actually count toward the election of a successful candidate is much larger than in the average election-by-ward system.

5. There is every evidence that the most important motive in the selection of a choice by the average voter is personal acquaintance. There is under the Hare system nearly as much local representation as under the enforced localism of the system which it supplanted.

6. Political parties are less active in municipal elections. New "interest" groups have not appeared. Representation of foreign-born groups is about what would exist under an election-by-ward system.

7. With lessened activity of parties and no new groups to seek representation the electorate has concerned itself to a slightly greater degree with religious differences in campaigns.

GOVERNMENTAL RESEARCH CONFERENCE NOTES

EDITED BY ARCH MANDEL

Toledo Commission of Publicity and Efficiency.—Two surveys are now being completed by the Toledo Commission of Publicity and Efficiency. One relates to the Toledo welfare farm or workhouse. An investigation is being made of the paroling of prisoners from this institution and of the dormitory facilities. The second survey, being made at the request of the city council, relates to the building inspection department. This will be a general study of the personnel, methods and results obtained by the department.

✤

Philadelphia Bureau of Municipal Research.—In view of the difficult financial situation in which the city government of Philadelphia finds itself at present, the Chamber of Commerce appointed a committee on taxation and public expenditures with Franklin Spencer Edmonds, Esq., as chairman. This committee of twenty-four members has assigned to a sub-committee of six the task of outlining the scope of the work to be undertaken and of conferring with city officials. Mr. Beyer, director of the Philadelphia Bureau, is a member of the main committee and also of the sub-committee. At the request of the chairman of the committee, the Bureau is bringing together information on a number of topics to which the committee may give consideration.

The Thomas Skelton Harrison Foundation has undertaken to finance a study of municipal contracts in Philadelphia, the work to be done by the Philadelphia Bureau. Contracts involving competitive bidding on construction work of various kinds are the only ones at present included in the scope of the study.

The Philadelphia Bureau announces the addition to its professional staff of Philip A. Beatty of Baltimore. Mr. Beatty has had extensive engineering experience in construction work. He was engineer in charge of construction of the Gunpowder Supply Improvement of the Baltimore city water department.

The Philadelphia Bureau has made a study of the number of different forms of instruments left for record in the Philadelphia office for recording deeds and the number of instruments of each form. The purpose was to ascertain what forms are used so often that it might be practicable to record them by printing in the record books the words printed on the forms and typing the parts filled in on the forms. The present method is to transcribe every word by typewriter. Altogether, 5,652 deeds, 6,050 mortgages, and 1,640 assignments of mortgages were examined. This was the intake of the office for these three kinds of instruments for four weeks in 1926. A classification of the forms used enabled the Bureau to suggest to the recorder of deeds that according to indications, "seven different kinds of printed form books would provide for the recording of about 72 per cent of the deeds recorded in Philadelphia county; 15 kinds of form books would provide for 59 per cent of the mortgages; and three kinds of form books would provide for about 61 per cent of the assignments of mortgages." A count of the printed words on each of these kinds of forms indicated that the use of such form books would probably save the transcribing and comparing of about 100,000,000 words a year. The Bureau is also studying the possibilities of using the photostatic process for recording deeds and other instruments.

✤

Pittsburgh Bureau of Governmental Research.—Major Philip Mathews, chief executive officer of the New York City Transit Commission, was selected as the director of the Pittsburgh Bureau of Governmental Research. He is on the job now. Major Mathews is a graduate of West Point, was an aid to General Foch in France, and was second man on American Relief in Russia for two years.

Frank Olson, director of the Minneapolis Bureau, has resigned his position there to become the executive director of the Pittsburgh Bureau.

Detroit Bureau of Governmental Research.—Glendon J. Mowitt has resigned from the training staff of the Detroit Bureau of Governmental Research to accept the position of assistant city manager at Manistique, Michigan.

Solon E. Rose resigned from the staff of the Detroit Bureau of Governmental Research to accept the position of engineering investigator attached to the office of the mayor of Detroit. Mr. Rose's new duties are really those of a professional administrator assisting the mayor in the detailed operation of departments.

✻

New Bedford Taxpayers' Association.—The Taxpayers' Association of New Bedford recently issued a bulletin describing the method of calculation used in establishing the tax rate in New Bedford. This bulletin compares the 1925 with the 1926 figures and shows all the items which go to make up the tax rate. This is the first comprehensive statement that has ever been made available to the taxpayer covering this complicated subject. The bulletin shows that certain receipts from the state can be used to decrease the tax rate, something that has never been done before. Since the publication of this report, the city council has voted to use this money and in consequence, the tax rate this year in New Bedford, although $1.80 more than last year, is fifty cents less than it would have been if the Taxpayers' Association had not made the study.

✻

The Ohio Institute.—The Ohio Joint Legislative Committee on Prisons and Reformatories has published a report of 62 pages. Among the recommendations are a system of classification of prisoners, reorganization of parole and numerous improvements in the prison industries. Copies of the report may be obtained from J. E. Cross, clerk of the senate, Columbus, Ohio. The Ohio Institute coöperated with the committee in its study.

Duluth Taxpayers' League.—The Taxpayers' League of Duluth published its first report in preparing a ten-year permanent improvement program. This report was transmitted to an organization composed of representatives from each organized civic or community body in the city having a membership of more than twenty-five. From this central group, the report will be submitted to the various member organizations for study and comment. By such a process it is hoped that a large group of citizens will become interested in the improvement program and will become so familiar with its content that they will be anxious to see the program adopted by the city authorities. The entire work is being carried out in coöperation with the city officials and the city planning commission. The report submitted concerns past financial history of the city; future debt charges; probable growth in population, assessed valuations, and expenditures for general municipal purposes. A study is now being made of the various improvements that are desired in the city, and as each project is decided upon, a special study will be made to determine how best it can be financed. It is anticipated that a large portion of the program will be financed by special assessments.

The city of Duluth has decided to blast away a large projection of rock that extends into the central section of the city, dividing the business district and the population into two practically equal divisions. The plan contemplates the opening of one major street through this rock projection and two connecting streets that will make accessible a large area adjacent to the business district which is now largely inaccessible. The rock is to be used for the creation of a large breakwater, which will add several acres of park property on the lake shore. In its essential features, the plan to be pursued follows suggestions made by the Taxpayers' League in a report submitted to the city council in October, 1925.

PUBLIC UTILITIES

EDITED BY JOHN BAUER
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Buses Rushing Forward.—Motor bus developments are moving so rapidly that it is impossible to keep up. We shall attempt merely to point out a few high spots. The Interstate Commerce Commission has conducted a country-wide investigation, with hearings in a number of cities, inquiring into the practices of motor transportation, the form of its organization, the extent of its competition with railroads and street railways, the character of local and state supervision and regulation. The data collected will be analyzed and studied with the object of making a comprehensive report on the present situation and recommending federal legislation where interstate action is needed.

STREET RAILWAY CONTROL OF BUSES

The greatest problem in the cities is how motor-bus transportation shall be organized in relation to present street railways and as to public control. Now that the permanence of the bus has been established,—at least for an indefinite future,—existing street railway interests are struggling to gain control of the otherwise competing agency. In New Jersey, for example, the Public Service Corporation of New Jersey has acquired during the past year, the so-called Arrow-Bus line, which is operating an interurban system in the northern part of the state. This line had become a real competitive factor and had acquired considerable good-will among its patrons, because of the excellence of its service and because of the obvious desire of the management to treat the public with courtesy. The change in control has already aroused widespread criticism. Whether this is based upon actual deterioration of service, or only upon fear of a let-down with the restoration of monopoly, is as yet impossible to determine. But, as far as the public is concerned, here at least is a danger if the control of buses is lodged with existing street railway interests.

FINANCIAL ENTANGLEMENTS

Another serious public problem may be illustrated by the New Jersey street railway control of buses. The Public Service Railway Company has a large capitalization, aggregating according to Poor's 1926 Manuel, $43,000,000 bonds and $48,000,000 capital stock. Its total fixed charges for 1925 were $5,192,000. Now, assuming that the superiority of buses will be generally established and that the street railway lines will be gradually abolished, what will happen to the bonds and fixed charges? The danger is, unless strictest care be exercised, that the entire burden will be rolled upon the new bus operation, which would be required to bear not only interest upon its own investment, but also the fixed charges of the dead street railways. This situation should be faced intelligently wherever "coördination" of the two modes of transportation is considered.

NEW YORK BUS FRANCHISES

The two dangers (a) of smothering competition at the sacrifice of service and efficiency, and (b) perpetuating the fixed charges of superseded properties, apparently were the controlling factors in the recent Bus Report of the board of transportation of the city of New York. The board rather unceremoniously brushed aside the applications for bus franchises made by street railway companies.

Among the numerous applications, the board

NOTE.—*The Challenge of Valuation.* The editor of this department has discussed in three papers, which are in the course of publication, some of the economic fundamentals involved in the far-flung controversy over the "Reproduction Cost" *versus* "Actual Cost" basis of valuation for rate-making. Copies will be sent free of charge to anyone interested in this basic problem if a request is sent to the American Public Utilities Bureau, 50 Madison Avenue, New York City. The following paper is now available and the others will be announced later: "Rate Base for Effective and Non-Speculative Railroad and Utility Regulation," by John Bauer; reprinted from the *Journal of Political Economy*, August 1926.

favored that of the Equitable Coach Company, whose plans contemplate a city-wide system, operated at a five-cent fare, with routes as approved by the board, and with adequate financial support. The board favored city-wide operation, as against independent borough systems, because of the greater flexibility of service and operating efficiency, lower required investment, and the more effective control by the city over one company than over several. It particularly favored, as already indicated, a system independent of present street railway companies, and emphasized the importance of adequate financial strength to supply all necessary plant and equipment, as well as working capital.

The report is now before the board of estimate and apportionment, which is the final franchise granting body. There appears to be sharp differences of opinion among members of the board as to the fundamentals of a sound bus policy. This applies especially to the question of city-wide *versus* borough systems, and the coördination of bus with street railway operation.

BUFFALO BUS PROPOSALS

Buffalo is another city which has been struggling with the bus problem. Mayor Schwab has stood out for a municipal system, but has met the usual financial and political complications. A new plan has been worked out, which would begin with private ownership and operation, but would provide automatically for ultimate municipal ownership and operation. Private companies will be invited to operate buses under contract at 20 cents per bus mile operated, which would be applied to the purchase of the buses. The details of the proposed contracts have not been made public.

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Higher Street Railway Fares.—While the buses are rolling on, the street railways in many instances are rolling up deficits. Against the automobile and bus competition, the street railways have lost traffic, or have failed to develop business sufficiently to make operation profitable at any practicable rate of fare. The prevailing rate is now seven or eight cents per passenger, in some cities ten cents. The latter is probably more than the traffic will bear, resulting in further diminution of traffic and leaving the company poorer than at a lower rate. But if the lower does not bring a fair return, what is to be done?

The easiest way is to attempt the higher fare, notwithstanding the dictates of common sense and the experience that seven or eight cents is the highest practicable fare for ordinary distances. For long distance traffic, with an average ride of several miles, a ten-cent fare may be feasible. But for the shorter distances it is prohibitive. It instantly cuts off all short distance traffic, greatly reduces the moderate distance rides and leaves only the long distance business intact; consequently there is loss or little increase in gross revenues notwithstanding the higher fare. Financial salvation must be sought through other means than the ordinary increase in fares.

Yet commissions all over the country are now conducting hearings on proposed ten-cent fares. The argument, based on assumed elementary economies, has been regularly advanced that the higher fare would only make up for the lowered purchasing power of money and the higher monetary cost of service. But the doctrine of compensated purchasing power will not suffice as a single remedy for all economic ills. The disease affecting the street railways is a complicated one and will require a combination of medicines, including vigorous osteopathic treatment and major operations.

HOW TO GET MORE TRAFFIC

Above everything else what is needed in most instances is an earnest and intelligent study of traffic possibilities; how, with improved service, special inducements, or particular efforts, greater volume of traffic may be developed. An important fact in street railway finance is that a large proportion of the costs are *fixed* in character, not changing with the amount of business. Hence additional revenues, obtained through growth in number of passengers, add proportionately much more to net income than the greater percentage of gross. Conversely a loss in traffic cuts proportionately more into the net returns of the company. Here is the basic condition which shows that the only permanent remedy is the development of traffic. If the business decreases, a company gets nowhere, whatever rate of fare may be charged. The problem is how to get more traffic. The chief concern should be whether possibilities of more business have not been neglected.

Non-Flexible Fares in New York.—It seems that one lesson was emphatically taught by the experience of the past fifteen years, that a non-flexible fare, unless coupled with other financial provisions to pay for the cost of service, is likely to be suicidal over a long period both to the public and the companies. Nevertheless, in New York City, where the chaos produced by a non-flexible fare still waits to be cleared up, there is a new proposal which, if favorably voted upon at the November election, will fix permanently the five-cent fare on the subways unless an increase be subsequently approved by a majority of qualified voters.

This proposal was enacted by the municipal assembly under the new home rule constitutional amendment and the home rule act. It is based upon the fear that improper increases in fare may sometime be granted by an administration which may be influenced by the companies operating the properties. Hence it seeks to keep control of fares in the hands of the people, who alone by affirmative vote could authorize a higher fare than five cents.

The five-cent fare in New York City has numerous angles of a financial and municipal character, besides pure politics. It does seem dubious, however, to tie the hands of all future city governments in dealing with the situation as circumstances warrant. Any such fare restriction should at least make adequate provisions for future necessary service and the payment of cost.

Transportation Planning.—Adequate transportation is easily the most absorbing problem before the larger American cities. This is especially true of those cities which have multiplied in population beyond reasonable expectation. They have grown far beyond the capacity of the transportation provided or contemplated, and they are now struggling with the pains of breaking their own limiting structures. They are like lobsters forced to break their shells for further growth, — which is not an easy and comfortable process.

Thus practically all the leading cities are making transportation studies of what to do and how — from New York City downward. Chicago, Philadelphia, Detroit and Cleveland are among those particularly inquiring into subways, — to what extent subways should be built, how financed, how to be operated. It is our purpose during the next six months to present a survey of all such transportation planning, including especially the problems of control, finance and fares.

Differentials in Utility Rates.—Users of electricity are accustomed to different rates charged for current for different quantities and purposes and under different conditions of time, especially as to so-called "load-factor." We believe that such differential rates are soundly conceived and that a single flat rate for all users would be a grave economic mistake. But we believe, also, that the range in the differential is far too great in many instances; sometimes, perhaps, not great enough. A ratio of 4:1 for small lighting consumers compared with the lowest commercial rates is common. We have raised the question whether this ratio is not excessive. We expect during the next few months, to inquire more extensively into the facts as to the extent of the differentials and to present cost analyses as to their justification.

In the case of gas, the single flat rate for all consumers, except usually municipalities, has been the rule. Whether this is justified perhaps cannot be definitely stated. Certainly the conditions of production and distribution are so different than in electric current, that like rate policies cannot be supported on grounds of like treatment. The burden of justifying differential gas rates should definitely rest upon those supporting them. There has been a marked movement in recent years for such differential rates, and we are, therefore, glad to print the following letter on this matter from Dr. Edward W. Bemis, who probably has had more experience in the study of gas rates from the public standpoint than any other student and consulting expert in the country:

DR. BEMIS ON GAS RATES

"In the New York *Times* of September 26, 1926, appears the statement that President George B. Cortelyou of the New York Consolidated Gas Company and other public utility officials are now moving in favor of the abolition of the old 'flat' rate for gas. It is urged that our laws should be changed so that our gas companies under the supervision of our public service commissions should be permitted to adopt rate schedules that are sufficiently flexible to allow an equitable allocation of charges among the several classes of customers.

"I have never seen any objection to a company making a lower rate for house heating and for general industrial uses than for ordinary domestic lighting, cooking, use in grates, hot water heating, etc., but these latter domestic uses should certainly remain under the 'flat' rate. Otherwise two results are sure to occur.

"First, difficulty in making any comparison of rates by different companies or in different cities which at present have some value in stimulating the all too lethargic public to demanding reductions in price where conditions will warrant.

"The second consequence would be the tendency to make too wide a difference between the charges for different kinds of domestic use.

"This difficulty now appears in the schedules for electric light and power. Private companies often charge the small user four or five times as much per unit as the large user while big public plants in Canada and this country do not find such wide margins necessary.

"It is a well-known fact among the managers of electric power plants that the domestic user, especially if he be a small one, does not secure the benefits of reduction in the cost of manufacture and distribution as quickly as does the large user and commissions and city administrators are led to submit to this because of the veneer of scientific accuracy which is thrown around these charges by experts for the companies. It will be a sad day for the domestic gas user when similar methods are allowed in the gas business."

Franchise Litigation.—The cities of Omaha and Denver are engaged in important franchise litigation, and both cases will doubtless go to the supreme court of the United States. The Denver case is already before this court. The question is whether the local street railway company has a perpetual franchise, notwithstanding the fact that no such grant was ever made by the municipality and could not be made under the constitution of the state, which prohibits the granting of any permanent franchise by the legislature of any local body.

In the Omaha case also the company claims a perpetual franchise. But here the legal situation is altogether different from the Denver case. The present company is a consolidation of several prior companies, which had received limited term franchises to occupy the streets, and some of these franchises expire next year. But, upon consolidation, which was effected by a special act of the legislature, the new company, without being given any new local rights by the city of Omaha, was given the right of perpetual use of the assets, rights, etc., of the properties. Among other claims, the company has seized upon the term "perpetual" in the charter granted by the legislature and urges that this applied to the local franchises and converted them from limited to perpetual duration. The city attorney, Mr. Van Duzen, does not believe that such significance was given to the term "perpetual" in the chapter as to change the entire term of the local franchises. The issue doubtless will go to the supreme court for final decision.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
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Liability of Cities, Counties and Towns for the Care of Streets and Highways.—In the October issue we called attention to four recent cases involving the liability of counties for damages resulting to an individual through defects in highways under their control.[1] In the Kansas case, it was held that action could be maintained only against the county in which the accident occurred, although the highway was a joint enterprise built by two counties. In the Washington case, a joint action was allowed against a county and a town which together had built a defective bridge. In the Texas case, the general statutory liability of counties for negligence in the case of highways was held to be inapplicable where the damages resulted to an abutting owner's land due to defective construction, his right being limited by a statutory remedy for compensation; while in Maryland the county in the absence of any statutory provision was held liable for leaving a highway which it was its duty to repair to remain in a dangerous condition, causing damage to the plaintiff.

These cases, with the exception of the last, are illustrations of the rule generally prevailing in this country that counties and towns, in executing their duties to construct and care for highways, are acting as governmental agencies of the state and in the absence of a statute imposing liability are not subject to an action by a private individual for damages due to defects resulting from a failure to discharge their duties. In any given state where this rule prevails, if a statute imposing liability upon towns and counties exists, the legislative act determines in what instances private persons may maintain their actions and defines the extent of their remedy.

This same rule we find applied to cities, boroughs and villages in New England, New Jersey, Michigan and California,[2] but in the great majority of the states the true municipal corporation, as distinguished from the quasi-municipal corporations such as counties and towns which have not had delegated to them any of the police power of the state, is held to the highest degree of responsibility for the care of its streets and bound to respond in damages to any person who suffers injury because of their defective condition. Generally speaking, municipal corporations in this country are held to be immune from liability to private individuals for damages resulting from mis-feasance as well as non-feasance in the discharge of their public or governmental as distinguished from their private or proprietary functions under circumstances which would render a private corporation liable in an action of tort, but peculiarly in the discharge of their duty to care for their streets, which is governmental in character and for the benefit of the public at large, the great weight of authority in this country imposes upon them the strictest common-law liability.

RUSSELL V. MEN OF DEVON WAS MISLEADING

The explanation of this anomaly is to be found in an examination of the early cases and may be traced to the famous English case of Russell v. The Men of Devon,[3] decided in 1788, in which the plaintiff sought to recover damages for an injury due to the non-repair of a bridge, which the county was under statutory obligation to keep up; in which it was held that there was no precedent for the action, that the county was only *quasi* a corporation and had no fund or means of answering in damages and therefore was immune to such an action and only subject to indictment for failure to perform its statutory duty. A reference to a case in the Year Books

[1] Cunningham v. Commissioners of Rice County (Kan.), 246 Pac. 526.
Potter v. Whatcomb County (Wash.), 245 Pac. 11.
Harris County v. Gerhart (Tex.), 283 S. W. 139.
Commissioners of Kent County v. Pardee (Md.), 134 Atl. 33.

[2] Hill v. Boston, 122 Mass. 344.
Pray v. Jersey City, 3 Vroom 394.
Detroit v. Blackeby, 21 Mich. 84.
Winbigler v. Los Angeles, 45 Cal. 36.

[3] 2 Term Reports 667, 16 East 305, Willes 74.

(5 Ed. IV) was cited from Brooke's Abridgement, in which the statement was so abbreviated that Lords Kenyon and Ashhurst both fell into the error of giving as one reason of their decision that the action did not lie because the public was the responsible party;[1] in other words, that those upon whom was cast the performance of a public duty were to enjoy in its discharge the immunity of the Crown from actions by private individuals.

In 1812, one Ephraim Mower brought an action for damages due to a defective bridge against the inhabitants of the town of Leicester in Massachusetts.[2] A verdict being given for the plaintiff, upon motion in arrest of judgment, the court held, citing Russell v. Men of Devon, that the town was to be considered as a quasi-corporation created by the legislature for purposes of public policy and that no such action lay at common law. Blake and Lincoln argued ably for the plaintiff that in this case the town was a corporation created by statute, capable of suing and being sued, and having a corporate fund to satisfy judgments, that the objection pertinent in Russell v. Men of Devon, that an execution must necessarily be against the property of an inhabitant and result in a multiplicity of actions, was not applicable to the case. Towns in New England at this time, differing from the towns in the Middle States, were municipal corporations and from early colonial days were subject to a statutory action for double damages for injury resulting from defective highways, subject to written notice of the defect having been given the selectmen.[3] The real basis for the decision, therefore, lay in the failure of the plaintiff to make out a case under the statute, which by implication might well have been held to exclude any question of common law liability.[4] This Massachusetts decision has been the precedent upon which the non-liability of towns and counties to actions for damages resulting from defects in highways has been based. Although turning upon an elementary principle of statutory construction, the case has been generally cited to sustain the doctrine of absolute immunity of towns and counties from such actions at common law. In Massachusetts the doctrine has been consistently applied to cities, which are accorded like immunity except so far as a right to maintain such an action has been clearly given by statute.

[1] Rundle v. Hearle (1898), 2 Q. B. 83.

Robinson-Public Authorities & Legal Liability (1925), p. 84.

[2] Ephraim Mower v. The Inhabitants of Leicester, 9 Mass. 247.

[3] Colonial Laws of Massachusetts, Reprint 1889, p. 126.

[4] See comment of Gray, J., in Hill v. Boston, 122 Mass. 344.

PENNSYLVANIA AND MARYLAND DECLINE TO FOLLOW MASSACHUSETTS

In Pennsylvania and in Maryland the authority of Russell v. Men of Devon was limited to the facts of that case, and towns in the one state and counties in the other were early held to a common law liability for negligence in the care of their roads[5] on the ground that they were bodies corporate, which could sue and be sued, with the power to raise funds out of which to satisfy judgments; and therefore liable for injuries to an individual resulting from a neglect of the duty imposed on them by statute to care for the public roads within their boundaries. No force was given to the dictum of Russell v. Men of Devon that the reason of the defendant's immunity was that the duty imposed was a public one and that they acted merely as agents for the state.[6]

In New York, the authority of Russell v. The Men of Devon was applied to exempt towns and counties from any liability to private individuals for negligence in the care of highways, unless imposed by statute, but in 1856 in the leading case of Hickok v. Plattsburg it was held to be inapplicable to cities and villages. The court adopted the opinion of Selden, J., in Weet v. Village of Brockport,[7] asserting liability of municipal corporations to an action on the ground that the franchises granted them are in law a consideration for an implied promise to perform with fidelity all the duties imposed

[5] Dean v. New Milford Township (1843), 5 W. & S. (Pa.) 545.

Commissioners of Anne Arundel County v. Duckett (1864), 20 Md. 468.

[6] This dictum is largely responsible for the generally accepted test applied by our courts, that municipal corporations are to be held liable only when the act complained of is committed in the discharge of a private or proprietary, as distinguished from a public or governmental duty—a test which is not applied in England, although the authority of Russell v. Men of Devon that counties are not liable to actions of negligence in the care of highways still persists and forms an exception to the application of the general principles of liability laid down in the Mersey Docks Cases.

[7] See 15 N. Y. 161. For a review and discussion of the earlier New York cases, see Detroit v. Blackeby, 21 Mich. 84.

by their charters, that they secure their charters by request, express or implied, and voluntarily assume the duties imposed, whereas towns and counties are created by the state without the consent of their inhabitants and function solely as agencies of the state. While the basis of this decision as expressed in this opinion was perhaps not theoretically sound, the conclusion was readily seen to embody a very useful doctrine, and this authority was followed by the courts of practically all the states outside of New England and was the foundation of the rule that municipal corporations, as cities and villages, are subject in the highest degree to liability to actions by a private person for injuries resulting from their negligence in discharging the governmental duty imposed upon them to construct and care for the highways within their limits.

CORPORATIONS AND QUASI-CORPORATIONS COMPARED

The real basis for the distinction between the liability in tort of true municipal corporations on the one hand, and quasi-municipal corporations, as counties, on the other hand, is that a part of the police power of the state is delegated to the former as well as a full control over their officers and agents, with the consequent ability better to carry out the duties imposed and to guard against acts that may impose liability. The same argument may be used as to many other public or governmental duties assumed by or imposed upon them, but peculiarly the application of the doctrine of Weet v. Brockport was generally limited to the duty of cities and villages to care for streets and highways, while the test of municipal liability in tort earlier laid down by Justice Nelson[1] — based upon the distinction of the public and governmental or private and proprietary nature of the powers exercised by the corporation—has become one of almost universal application.

If the principles involved in these precedents are to be logically followed, a so-called county or town, which becomes a true municipal corporation, as by the grant of a portion of the police power to it by the state, should be held to the same standards of liability as a city or village. An analogous question recently came before the supreme court of Idaho in the case of Strickfadden v. Green Creek Highway District, decided July 10.[2] Highway districts in Idaho are comparatively new organizations, incorporated under general act upon petition of the people residing therein, and are given exclusive jurisdiction and supervision over the construction and repair of highways, with the power to raise necessary funds by taxation. The plaintiff and members of his family were severely injured by their car striking an unguarded obstruction left in the road by the agents and employees of the district commissioners.

In an exhaustive opinion, the court, speaking through Justice Givens, reviews the authorities bearing upon the question of liability of cities towns and counties for care of streets and highways, and concludes that the district in question must be held to the same degree of responsibility as a city or a village. The practical reasonableness of this decision may be better appreciated, when we take into consideration the fact that the highway district in Idaho may include within its limits cities and villages, as well as towns and counties, and succeeds to the duties in the construction and maintenance of the roads and streets. This decision is indicative of the tendency of the courts in considering these questions to look beyond the outward form and, disregarding some of the outworn tests of municipal liability, to base their conclusions rather upon the nature and extent of the powers conferred by the state upon these subordinate agencies.

BRIEF NOTES ON RECENT DECISIONS

Home Rule—Construction of the Baltimore Charter.—In the recent case of Graham v. Joyce, 134 Atl. 332, the Maryland court of appeals was called upon to construe one section of the charter of Baltimore adopted under the Home Rule Amendment to the state constitution. The charter gives to the board of school commissioners the power to determine the salaries of school teachers, but the board of estimates, which has control of the city budget, relying upon earlier statutes, undertook to revise the schedule of salaries to conform with the appropriation approved by it. The court held that the express provisions of the charter

[1] Bailey v. Mayor of New York, 3 Hill 531.

[2] 248 Pac. 456.

prevail over all previous laws on the same subject, that such a result was the obvious legislative purpose in enacting the charter. "Whatever is contained in the charter," says the court, "is binding on the concerned and on all other agencies of the city government until amended, and the process of amendment is not by ordinance, but only by initiation as outlined in Section 5 of the Home Rule Amendment, followed by popular vote."

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Zoning—Control of Federal Courts.—The original jurisdiction of the federal courts arising from diversity of citizenship was recently exercised by the district court of the southern district of Ohio, which enjoined the village of Terrace Park from enforcing that part of the zoning ordinance which included part of his farm, on which he operated a gravel pit, in a residential district. The circuit court of appeals, sixth circuit, in affirming the decree of the lower court [1] pointed out that the block upon which Errett's plant is located had never been laid out in lots, nor were there more than two residences on the adjoining seventy-five acres. The value of the gravel on the plaintiff's eight acres was above one hundred thousand dollars, while adjoining land for residence or farm purposes was worth only about five hundred dollars an acre. The operation of the plant is held not to be a nuisance in fact and the great disparity between the values for the different purposes renders the application of the zoning ordinance to the tract unreasonable and results in depriving the owner of his property rights without due process. The court found it unnecessary, therefore, to pass upon the constitutionality of the Ohio zoning statute or of the ordinance of the village. The case on its facts clearly is distinguished from Hadacheck v. Los Angeles, 239 U. S. 394, and Reiman v. Little Rock, 237 U. S. 171, and applies the principle of limitation upon the police power enunciated in Pennsylvania Coal Co. v. Mahon, 260 U. S. 393, and recently applied by the courts of California to the attempt to prevent the operation of oil wells in residence districts.

[1] Terrace Park v. Errett, 12 Fed. (2nd) 240.

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Zoning—Board of Adjustment Exercises Judicial Powers.—The most important recent decision of the many relating to zoning in New Jersey is the recognition by the supreme court of the judicial nature of the board of adjustment, the tribunal of review created by a statute passed the present year. In Chancellor Development Co. v. Senior, 134 Atl. 337, Gummere, C. J., in refusing the complainant's application for an alternative writ of mandamus to compel the inspector of buildings to grant a permit, holds that the board of adjustment has power to pass upon the question of fact as to whether the building to be erected will be a nuisance, and that the only method of review is by a writ of certiorari. If the boards of adjustment thus established prove competent to exercise judicially the important powers conferred upon them, this decision may prove to be a milestone in the progress of the cause of zoning in that state.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY W. E. MOSHER

Municipal Statistics.—The Statistical Year Book of German cities, which ceased publication on account of the depression following inflation in Germany, has been resumed. It covers the same materials for German cities as in previous editions. The data included are for the year 1925 with one or two exceptions, when they cover 1924 or 1924–25. The principal headings under which the information is brought together are as follows: Budget estimates for 1925; water supply; libraries, public welfare, sewerage, street cleaning and sprinkling, and the like. For those interested in the statistical approach to municipal government, constructive comparisons may be derived from this work. It is published by the Deutscher Städtetag.—*Mitteilungen des Deutschen Städtetages* (September 1, 1926).

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Gas Supply.—The British Board of Trade is accustomed to supply data for all companies producing gas and electricity. The report for 1924, summarized in the July number of the *Local Government News*, shows that in England and Wales there are 245 municipalities manufacturing gas as compared with 466 private companies. In Scotland there are 69 of the former and 4 of the latter. The number of cubic feet produced by the municipal companies totals 77,000,000 and by the private companies 176,000,000. The average cost per million feet for public companies was 193 pounds, and for private, 219. The financial returns show that the municipal enterprise is increasing somewhat more rapidly than private.—*Local Government News* (July, 1926).

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The Third International Congress of Cities.—There has just come from the press a three-volume report concerning the "acts and views" of the Third International Congress of Cities which was held in Paris in 1925. In the introduction it is stated that 500 cities, located in 39 different countries, were represented at the conference.

The first chapter includes a report as to the constitution and purpose of the Congress. The next is devoted to the conduct of municipal government in different countries. This is the first effort to provide a comparative study of various types of cities in the light of conditions found in the different countries of the world.

Another chapter deals with planning and zoning. It brings together in a comprehensive form a large amount of experience that has more recently accumulated in this branch of municipal control.

The last chapter has as its title, "Les Grandes Agglomerations," which corresponds in the main to our terms, metropolitan and regional areas. The final chapter contains the deliberations and views of the members of the Congress.

The three volumes comprise about 750 pages in quarto. The authors of the various special reports are men of international reputation as, for example, Montagu Harris, Emile Finck and Henri Sellier.—*Le Mouvement Communal* (August 15, 1926).

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The Place of the Official.—The city manager form of government raises as never before in this country the question of the relation between the expert and the controlling authorities. I. G. Gibbon has prepared a very meaty paper on the subject "Official and Authority" that may be suggestive for those interested in this problem. His introductory thesis is that democratic control is interested in two things: (1) determination of policy and (2) judgment of results. In the opinion of the writer the distinct task of the official or the expert is to play the game and accept the limitations of this policy and its implications.

In the main, there is no technique worth speaking of, as yet developed, to cover the proper relations between the official and his committees, nor the committees among themselves, nor the committees and the council. In Mr. Gibbon's opinion, Topsy might be called the "patron saint" of the present situation. He points out that the committee that acts in the sphere rightly belonging to the official is likely to be inefficient just as is the official who takes over the respon-

sibilities that properly fall to the committee. The latter is likened to a "bull in a china shop." His proper function is not to attempt to stimulate policy, although he should have the opportunity of influencing it within the sphere in which he is at home. This may best be done by preparing reports and forecasts.

Methods of reporting to the council, or official authority, and to the public in general are, in the mind of the writer, far from satisfactory at present. Greater insistence should be placed upon instructiveness, lucidity and simplicity. Mr. Gibbon believes that the electorate is entitled to a simple but telling statement of public activities and achievements.

It is the duty of the official, says Mr. Gibbon, to forecast the probable effects of proposed policies. In doing this he should take into account the whole pool of experiences that other authorities have had. Such prophesies ought, of course, to be impartial and objective.

Finally, the author urges that democratic administration calls for a clear statement of results, presented in such a way that costs of the various branches of administration may be readily ascertained and indicating whether the performance for which the executive has been responsible measures up to his promise. The technique required for the statement and ascertainment of results is still in its infancy. The emphasis is placed here upon the need of unit costs readily understandable by the ordinary councilman.

Proper reporting of costs is closely related to the reporting of efficiency as measured in statistical terms. In looking at the possibility of realizing this, Mr. Gibbon finds encouragement in the progress being made by the natural sciences in the measurement of the minutest portions of matter. He insists that, "The gospel of measurement applies to administration as well as to sciences."

The paper concludes with an appeal to administrators with something of the zeal of discovery in their blood to go out and chart this new territory.—*Journal of Public Administration* (April, 1926).

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Russian Municipal Finance.—The East European Institute in Breslau devotes an entire issue of its "Quellen und Studien" to the consideration of the financial problems of local government in Soviet Russia. It is a painstaking and comprehensive statement, describing the relations of local government to higher authorities, local disbursements, and revenues and, finally, budgetary procedure.

The introductory section shows in what way authority filters down from the central committee and its chairman into the local organs of the government. There seems to be such a high degree of centralization that in the lowest area, the communal government, there is hardly a trace of home rule. It possesses neither a legislative organ of its own nor independence in its financial operations.

The final section deals with the local budget law as well as with the budget itself. The central government reserves to itself the right to control and change the budget items. This is so far-reaching that the chief characteristic of budget administration seems to be instability. Such a condition results from the fact that the central organs may arbitrarily cut the cloth to suit their needs, even after the beginning of the year when the budget has gone into effect. Orderly planning and procedure are thus out of the question.

A comparison is made between the amounts expended for local government purposes before and after the Revolution. According to the figures brought together here all of the cities have suffered except Moscow. As a matter of fact, particularly if one takes into account the reduced purchasing power of money, a comparison of the total expenditures of 1912 and 1924 shows that there has been a marked diminution and this, in spite of the fact that the burdens of the localities have been increased since the war in so many directions. Figures are given for ten cities for the purpose of showing how considerable this diminution has been. Although Moscow is receiving within eight million rubles of the revenue received in 1912, the other cities listed are getting much less than during pre-war times.

This study has been prepared on the basis of Soviet materials exclusively and it has all the earmarks of being an authoritative piece of work. The author, Mr. Markoff, is an instructor in the Russian Scientific Institute of Berlin. *Quellen und Studien*, 1926 (pub. by Hermann Sack, Berlin).

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American Administration in German Garb.—The two issues of the *Zeitschrift für Kommunalwirtschaft* under the dates of July 25 and August

25, 1926, were devoted almost exclusively to the publication of fourteen articles on local administration in the United States. These articles were prepared for the magazine through the coöperation of the National Municipal League. Among the authors are to be found many names well known to students of administration in the United States. One might cite those of Messrs. L. D. Upson, E. A. Cottrell, Lawrence Veiller and W. F. Deffenbaugh. The topics covered range from research, municipal finance and housing to sports and rural culture. In some cases two articles are devoted to the same general topic, as in the case with schools, housing and governmental research.

Some of the articles bring together in a comprehensive form a summary of the matters considered, such as is not available in American publications. It would seem desirable to have the originals produced in the NATIONAL MUNICIPAL REVIEW. Both Dr. Morris Lambie and Professor Edwin Gottrell, for instance, have given a bird's-eye view of governmental research and civic organizations with reference to their influence upon local administration. Each approach is, however, from different points of view. So far as the writer knows there is no such summary to be found in English.

Mr. W. C. Beyer of the Philadelphia Bureau of Municipal Research has also made an original contribution in his study of salary trends for public employes during the period of price fluctuations, that is, from 1915 to 1925. He has gathered material from a dozen of the larger and more representative cities ranging from Minneapolis to New York City. The data consist of averages for all positions. Other tables cover selected but typical positions such as firemen, police, engineers, mechanics, stenographers, chemists, bacteriologists, etc. These tables include the total number in the class and the average salary for the two years, 1915 and 1925.

Familiar terms and titles appear rather incongruous when translated into the German, as, for example, the various renditions of the term. Bureau of Municipal Research. This assumes three different forms, all of which are, to say the least, "mouth filling" (Büro für Stadtverbesseringen; Stadtbürosfuer munizipale Forschung; Büro für Verwaltungsangelegenheiten). On the whole, however, the task of translating this rather technical material has been done with a real German flavor.

The editor of the magazine, Dr. Erwin Stein, indicates in an introductory note that sooner or later this series of articles will be rounded out and possibly a more comprehensive work concerning local government administration and activities will be published in German. This will give the editor opportunity to fill up a number of obvious gaps in the present series. For instance, articles dealing with such matters as the following would be of great interest to the German administrator: Municipal enterprises of which the gas industry is hardly representative, budgetary procedure, rights and conditions of the civil servant and perhaps above all else, the administration of metropolitan areas.

Finally, attention might be called to the fact that a series of similar articles dealing with local administration in Germany is announced. These are to be published in one of our American magazines, presumably the NATIONAL MUNICIPAL REVIEW. Such an interchange of information is bound to be fruitful; it will aid materially in the development of a science of administration.

NOTES AND EVENTS

Charges of Lawlessness and Bribery Bring Municipal Turmoil in Kansas City, Kansas.—For some months, trouble has been brewing in the municipal affairs of Kansas City, Kansas. C. B. Griffith, attorney-general of Kansas, accused Mayor W. W. Gordon of failure to enforce the laws, particularly the laws against the illegal sale of liquor and against gambling.

The attorney-general appointed L. S. Harvey as special agent to make a thorough investigation. Upon the publication of Mr. Harvey's report on the failure to enforce the laws, and pending an investigation of the mayor's administration, the supreme court suspended Mayor Gordon. Whereupon the deposed mayor offered his resignation to the commissioners and it was promptly accepted. Mr. J. O. Emerson has been chosen to fill out the unexpired portion of Mayor Gordon's term.

In his letter of resignation, Mayor Gordon stated:

> Being a man of extremely moderate means, I am unable to spend the amount of money that would be necessary to prosecute this case in the supreme court.
>
> It would mean that my wife and I virtually would be bankrupt and I feel it would be unjust and unfair to my family to spend almost all of my financial resources in such litigation.

Mayor Gordon complained of an inadequate police force, an extensive area to be patrolled and lack of coöperation of the attorney-general. He states that he repeatedly called on the state legal department for injunctions and padlocks, but that the attorney-general had told him that he did not want to stir up anything till after the election. After the reëlection of the attorney-general in 1924, according to the mayor's statement, he again wrote for aid, but received no reply.

The mayor avers that Attorney-General Griffith "never made any complaints against conditions in this city to me since F. M. Wisdom has been chief of police, until we filed a suit for $276,000 against his personal and political friend, W. D. Pratt, for the faulty construction of the settling basin at our Quindaro (water) plant, which was reported by the commissioner of water and light department to have fifty leaks in it when it was less than two years old."

Frank M. Wisdom, chief of police, Harry S. Roberts, police judge, and two of the commissioners have since resigned. The Wyandotte county grand jury is said to be investigating another of the commissioners.

Closely connected with this political upheaval, is the career of Alexander Apple, a professional bondsman and reputed briber. It is intimated that the investigators have found a man of mystery whose testimony regarding the police department will astound the already amazed citizens. A maze of bribery and crookedness is in the process, it is said, of being brought to light.

Kansas City, Kansas, has the commission form of government, but at this moment many citizens believe that the manager form should be adopted. Dr. George M. Gray, a former mayor of Kansas City, Kansas, favors the manager plan, but thinks that an election should not be held until the present grand jury investigation has probed the situation to the bottom.

Mrs. E. A. Enright, whose husband was formerly county attorney, has been endorsed by the Kansas City, Kansas, chapter of the League of Women Voters, for the office of mayor at the April city election.

NAT SPENCER.

How Great a Tax Can a Man Pay?—The methods of ascertaining tax capacity followed in the report of the New York Joint Legislative Committee were the object of some criticism by Professor Walradt, who reviewed it in our September number. We therefore have pleasure in publishing the following reply.

To the Editor of the National Municipal Review:

There would be no occasion for commenting on Professor Henry F. Walradt's review of "State Expenditures, Tax Burden and Wealth," in the September REVIEW, except to thank him for his keen criticisms and generous appreciation of the report as a whole, were it not for the fact

that so important a review is destined to be used widely in connection with the report itself and that silence on our part might be considered as an acceptance of interpretations placed on certain passages of the report.

Mr. Walradt's real criticism deals entirely with the first eight pages of Chapter V. These pages and the last three paragraphs of the chapter may be read easily by anyone interested in this friendly discussion. It will be seen that the reviewer has no quarrel with the conclusions reached. He states this repeatedly. He agrees, for example, that "the ratio of taxes to income *by itself* has slight significance in comparing relative tax burdens at different periods of time." His objections deal with "the arguments given in support of the contention." It is at this point that I feel that something is to be said for the report. We made no effort to substantiate the contention with "arguments." The whole matter is disposed of in less than six hundred words, which is perhaps half of the space devoted to *this part* of the reviewer's comments. We endeavored merely to indicate that "other factors must be taken into consideration" (p. 115). We wished to give a partial enumeration of various obvious circumstances and conditions for which allowance must be made in appraising the significance of the tax-income ratio. We therefore referred to the generally accepted notion of progressive taxation, the effect of the kind of expenditure on the burdensomeness of the taxes and the rapid development of debts as factors in point. And even in these very brief and undeveloped paragraphs we endeavored to couch our thoughts in the most tentative and restrained manner. We observed that with "an enormous improvement in economic status, taxes might well absorb a larger portion of the taxpayer's income without entailing additional hardship." We said also that "taxes which are spent in supplying services and utilities which the individual would otherwise have to provide for himself, do not constitute an additional burden." And we suggested that "the economic effect of those taxes (levied for debt service) is . . . not the same as the effect exerted by taxes expended for other purposes" (p. 116).

In indicating the improvement in economic status, we should have used the 1913 dollar basis as Mr. Walradt has suggested. As a matter of fact, the computations were made (see page 113). But they do not alter the final conclusion however; the tremendous advance is still there, from an average family income that was certainly below a "decent family budget" level to one that is substantially above this mythical standard. And in dealing with the redistribution of wealth through public debts, perhaps we should have differentiated between the interest and the principal, though I am inclined to think that this would have carried us rather far afield. There are too many "probably's" and "it is likely that's" even in the comments of Mr. Walradt. Our only purpose was to present a few considerations which would make a reader pause before he bowed down to worship the tax-income ratio as the infallible criterion of tax burdens.

And, of course, we do plead guilty to the charge that we have not even attempted to show the exact mathematical degree of progressive taxation which will produce equality. One is tempted to ask the reviewer to state the formula, though that is of course hardly fair, especially as Mr. Walradt apparently believes that the sacrifice involved in proportional taxation is equal, once we pass beyond the income required, "to purchase the necessities of life." Of course, this cannot be demonstrated either.

There is another point at which the review might lead to a misunderstanding of the report. It is stated that "The measure presented (in the report) as being the best guide in making a conclusion as to relative tax burdens at different times is the rate of increase of per capita income." I am sure that Mr. Walradt did not intend to say just that, because it is certainly very far from what we tried to state. We have been confronted in recent years by the hysterical statement that "taxes are wrecking business," and that this condition is aggravated from year to year. In a scant page we pointed out that this could hardly be so, because, as a matter of fact, the average per capita income, measured in terms of the 1913 dollar, has been rising at an accelerating tempo from decade to decade (p. 117).

I cannot close this comment without again expressing our appreciation to Mr. Walradt for his careful and appreciative examination of the report.

LUTHER GULICK.

To Force Economy on Mayor "Jimmy" Walker.—A joint Municipal Economy Committee, composed of representatives of nine organizations of taxpayers, has been organized in

New York City to watch municipal expenditures with a view to reducing the waste and bringing about lower taxes. Herman A. Metz, former city controller, is chairman of the committee and William H. Allen of the Institute for Public Service, secretary. Headquarters are at 53 Chambers Street.

The immediate purposes of the committee, it was declared in a statement by the executive committee, will be:

To back refusals by the board of estimate to vote unnecessary and extravagant sums for city work in 1927.

To help city officials and the public find ways to improve city service next year without adding $40,000,000 or $50,000,000 to this year's budget.

To help rent payers and wage earners remember that any unbusinesslike municipal spending raises rentals and reduces the purchasing power of wages.

The statement continues:

The pledges made by the present administration before and after election last spring inspired the business community and the public generally to hope that prompt attention would be given to reducing the cost of city government. Voters were promised that the new administration would begin by sweeping accumulated waste and inefficiency from under the municipal sofa.

The promised economies have not started yet. The promised search for needless expenditure has not started yet. Instead of economy taking the place of extravagance, the scale of lavish unstudied expenditure which has prevailed in our city for many years has continued and now threatens, unless checked when this next budget is voted October 31, to carry next year's expenses above a half billion dollars, not counting new improvements.

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Birmingham Earns a Thrill!—Birmingham, Alabama, is congratulating herself on the possession of a businesslike government in that the city commission has for the past twelve months kept expenses well within income. With one exception, deficits have been the invariable rule in recent years. This favorable result was attained in spite of extraordinary capital and operating expenditures amounting to almost $300,000. Probably Birmingham has some sort of budget system, but possession of a budget system is only a beginning and amounts to nothing without the self-control and energy to operate it. A big argument against commission government is found in the handicap which this form places upon the responsible preparation of a budget and the absence of effective control to assure that it is carried out.

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A Correction.—In the article on "Tendencies in Public Recreation" in the September REVIEW, it was stated that in Massachusetts every new high school was required to have at least twenty acres of land. This statement implies that there is some legal requirement to this effect. The writer, Weaver Pangburn, wishes to correct this impression, as there is no such legal requirement. Instead, the state education authorities in Massachusetts have set up a standard of at least twenty acres for each new high school.

✻

General Unrest regarding the direct primary has led to an effort in Ohio to amend the constitution to make it possible for the legislature to restore the convention system. The proposal has, however, met with considerable disfavor, and the prospects at this moment are that it will be voted down at the November election.

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Less Noise from Motorists.—The police departments of the two largest cities of the country, New York and Chicago, have started campaigns against the noisy motorist. The police in both cities have been instructed to serve summons on impatient drivers who vent their resentment by needlessly honking their horns when temporarily delayed in a traffic line. And hereafter truck drivers who make use of shrill whistles, operated by the exhaust from their engines, will also feel the heavy hand of the law.

✻

Too Many Taxis in New York.—New York City is at present considering the granting of franchises for a city-wide, unified bus service. The Citizens Union is urging that the number of licenses issued to taxicabs be curtailed when the proposed bus plan goes into effect. The large number of taxis in New York has become a serious traffic problem and it is the Citizens Union's belief that, inasmuch as a double deck bus has a theoretical capacity equal to at least ten taxicabs and in practice serves a still greater number of passengers, the former has a better claim to the use of the streets.